



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

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July 16, 2020

Thomas J. Ziko, Interim General Counsel  
State Board of Education  
**Sent via email only to: Thomas.Ziko@dpi.nc.gov**

Re: Extension of the Period of Review for All Rules Submitted in 16 NCAC 06C

Dear Mr. Ziko:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rule in accordance with G.S. 150B-21.10. They did so in response to a request from the State Board of Education to extend the period in order to allow the agency to address the requested technical changes and submit the revised rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to the rule or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amber May  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
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fax: 919/431-3104

Judges and  
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## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: All Rules

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Throughout these Rules, there is no need to provide both the name and the acronym when a term is defined. Please feel free to use one or the other.*

*Throughout these Rules, where a passing score or minimum examination requirements are mentioned, please confirm that the passing score is provided somewhere. I note that that G.S. 115C-270.15 says that **they are not subject to the rulemaking process and the APA.***

*Please add the effective date at the bottom of the History Note of each Rule.*

*Throughout these Rules, you will see that I have offered suggested revised language. I have done this in an attempt to clarify a concern, most often as it relates to the clarity of the rule. You are in no way required to use any suggested language. To the extent that you choose to use it, or any variation of it, please ensure the accuracy and feel free to make any changes that you deem necessary. It is absolutely never my intent to change any substantive requirements or otherwise change the meaning of your rule. If I have inadvertently done that in a suggestion revision, then please ignore the suggestion.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0334

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Items (1), (6), and (20) are defining a term with the same term, which makes the definition unclear. What is the difference between "accomplished", "Distinguished", and "Proficient"? Which is the highest? What needs to be done to achieve one of these designations? Are these terms defined elsewhere in rule or statute?*

*In Item (3), change "their" to "his or her"*

*In Item (18), what is your authority for a "permit to teach"? Is this an Emergency License pursuant to G.S. 115C-270.20(a)(2)? If so, please change the language of this Rule to be consistent with Statute*

*In Items (21) and (22), what is your authority to issue provisional licenses? The only provisional licenses I see referenced in your Statutes if for assistant principals.*

*In Item (22), what is your authority for a lateral entry license? It appears as though S.L. 2017-189 repealed 115C-296 which previously allowed for lateral entry licenses. Are lateral entry licenses now residency licenses?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0334 is proposed for adoption as follows:

**16 NCAC 06C .0334     DEFINITIONS**

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

- (1) “Accomplished” means a teacher has received ratings of accomplished or higher on three of the five standards to include Standard 4 on the most recent summative evaluation, or on Standard 4 for teachers on an Abbreviated Evaluation.
- (2) “Beginning Teacher Support Program” means a program that provides ongoing support for teachers entering the profession.
- (3) “Beginning teacher” means a teacher who is within their first three years of teaching.
- (4) “Career and Technical Education (CTE) Restricted License” means a three year license that requires educators to have related work experience for the CTE program area as well as a related degree from a regionally accredited college or university unless it is a high school diploma level license. CTE Restricted License holders are restricted to teaching only in the area of licensure and additional non-CTE license areas may not be added to the license.
- (5) “CPL” means a Continuing Professional License.
- (6) “Distinguished” means a teacher has received ratings of distinguished on three of the five standards to include Standard 4 on the most recent summative evaluation, or on Standard 4 for teachers on an Abbreviated Evaluation.
- (7) “ECGC” means Exceptional Children General Curriculum.
- (8) “ELED” means Elementary Education.
- (9) “EPP” means an Educator Preparation Program.
- (10) “In-State Applicant” means an applicant for licensure who received training and a recommendation from a North Carolina approved Educator Preparation Program (EPP).
- (11) “IPL” means an Initial Professional License.
- (12) “Junior Reserve Officer Training Corps (JROTC) License” means a license that is issued to a former military serviceperson to teach the federally sponsored school program which is designed to instill in students the values of citizenship, service to the United States, personal responsibility and a sense of accomplishment.
- (13) “NCDPI” or “DPI” means the North Carolina Department of Public Instruction.
- (14) “NCEES” means the North Carolina Educator Evaluation System.
- (15) “NCSBE” or “SBE” means the North Carolina State Board of Education.
- (16) “Out-of-State Applicant” means an applicant for licensure who receives training and a recommendation from an approved Educator Preparation Program (EPP) in another state or country regardless of residency.
- (17) “PEPSC” means the Professional Educator Preparation and Standards Commission.
- (18) “Permit to Teach License” means a one-year nonrenewable license issued to individuals who do not qualify for any other type of license.

1       (19)     “Praxis” means the Praxis Core Academic Skills for Educators assessment.

2       (20)     “Proficient” means a teacher has received ratings of proficient or higher on three of the five  
3             standards on the most recent summative evaluation, or on Standards 1 and 4 for teachers on an  
4             Abbreviated Evaluation.

5       (21)     “Provisional License” means an educator license that is valid only for the remainder of the fiscal  
6             year following the effective date of the license.

7       (22)     “Regional Assistance Licensing Center” or “RALC” is a State Board of Education authorized  
8             educational entity that serves as an extension of the Department of Public Instruction licensure  
9             section to review transcripts and prescribe plans of study leading to licensure for lateral entry, CTE  
10            restricted, and provisional license holders.

11      (23)     “Student Services” means any non-instructional personnel providing specialized assistance to  
12             students, teachers, administrators, or the education program in general Student services personnel  
13             include individuals employed in school counseling, school social work, school psychology,  
14             audiology, speech-language pathology, and media coordination.

15  
16     History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5;

17             Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

18             Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0335

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please confirm that you have consulted in accordance with G.S. 115C-270.5(b).*

*What is meant by "appropriate for the area of assignment"? Is this referring to the classifications provided in G.S. 115C-270.20 or is it referring to something else?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0335 is proposed for adoption as follows:

2 **16 NCAC 06C .0335 NORTH CAROLINA EDUCATOR LICENSE FOR AREA OF ASSIGNMENT**

3 An individual employed as an educator in a North Carolina public school shall hold an educator's license appropriate  
4 for the area of assignment.

5  
6 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-295;

7 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

8 Emergency Rule Eff. August 20, 2019.

16 NCAC 06C .0336 is proposed for adoption as follows:

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

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

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

(1) “V” which requires a High School Diploma or Associates Degree and is only appropriate for Career and Technical Education (CTE) and Junior Reserve Officer Training Corps (JROTC) licenses;

(2) “A” which requires a Bachelor’s Degree;

(3) “M” which requires a Master’s Degree;

(4) “S” which requires a Specialist or Advanced Degree; and

(5) “D” which requires a Doctorate Degree.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-295; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b); Emergency Rule Eff. August 20, 2019.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0337

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*How are they to provide this information? On a form to be submitted to you all?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0337 is proposed for adoption as follows:

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

Every applicant for a North Carolina educator license shall provide the following basic entity data:

(1) Social Security Number;

(2) Full legal name;

(3) Date of birth;

(4) Mailing address;

(5) Telephone number; and

(6) Email address.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0338

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Just so I understand what is going on, is the overall intent of this rule to say something like "In addition to the application, every applicant applying for a North Carolina education license shall provide the following:"? Alternatively, must they only submit the information if it's required pursuant to .0339-.0341 for their particular license? Please review and clarify.*

*If that is the intent, is the application information set forth elsewhere in rule or statute? Is that covered by .0337? If so, would it make sense to link these rules either by combining them or providing a cross-reference?*

*In Item (2), what is "Education as provided by Rule"? What Rule? Same question for Item (11).*

*In Item (3), can you provide some examples as to what this may entail?*

*Are the contents of the forms referenced in (5) and (9) set forth elsewhere in rule or statute?*

*In Item (6), what is the "work authorization"? Authorization by whom? When would it be applicable? Is there a cross reference available?*

*In Item (7), what is meant by "if applicable"? Just meaning if the applicant has the certification? If so, I think it's fine. I just want to be sure that I understand.*

*In Item (8), what is "effectiveness data"? When would this be applicable? Is there a cross-reference available?*

*In Item (10), what test scores? Just for examinations related to certification? Also, do not all licenses requiring testing? I'm thinking not based upon the other rules in this SubChapter.*

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0338 is proposed for adoption as follows:

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

Any applicant applying for a North Carolina educator license must provide documentation to complete the licensure transaction checklist, which includes the following:

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

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.10; 115C-270.15; 115C-270.20; 115C-270.25;*  
*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*  
*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0339

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Is this in addition to the information required by .0337 and .0338?*

*On line 4, please provide the more specific cross-reference to G.S. 115C-270.20(a)(1).*

*Please consider deleting "complete all State Board of Education (SBE) requirements appropriate for the license as follows:" The way that I'm reading this Rule, it essentially says, "In addition to the requirements set forth in 115C-270.20(a)(1), a person seeking a CPL must also do these things." If that's the case, I think this language is unnecessary since the purpose of the rule is to set down the requirements. Could you say "In addition to the requirements set forth in G.S. 115C-270.20(a)(1), an applicant seeking a Continuing Professional License (CPL) shall:"*

*In Item (2), passing test scores related to what examinations? Those necessary for licensure? Also, what is considered passing? Is this provided elsewhere in rule or statute? I note that .0338 just said "test scores."*

*Is Item (3) necessary? I read G.S. 115C-270.20(a)(1) to always require three years of experience.*

*In Item (4), where is the underlying requirement that the CPL be recommended by the EPP? I assume that since the statute requires three years of "licensed teaching experience" that this relates back to the underlying license? If so, I think this is fine as written. I just wanted to be sure that I understand.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0339 is proposed for adoption as follows:

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

To be issued a Continuing Professional License (CPL), an applicant shall satisfy the requirements of G.S. 115C-270.20 and complete all State Board of Education (SBE) requirements appropriate for the license as follows:

- (1) Submit official degree dated transcripts;
- (2) Submit passing test scores;
- (3) Complete three years of teaching experience, if applicable;
- (4) Submit recommendation by the Educator Preparation Program and any applicable valid and current out-of-state educator license; and
- (5) Submit effectiveness data.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0340

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Is this in addition to the information required by .0337 and .0338?*

*On line 4, please provide the more specific cross-reference to G.S. 115C-270.20(a)(3).*

*Please consider combining this Rule and .0347 for purposes of clarity. A suggestion incorporating many of these notes is included below. Please note that you are in no way required to use this suggestion.*

*Please consider deleting "complete all State Board of Education (SBE) requirements appropriate for the license as follows:" The way that I'm reading this Rule, it essentially says, "In addition to the requirements set forth in 115C-270.20(a)(3), a person seeking a IPL must also do these things." If that's the case, I think this language is unnecessary since the purpose of the rule is to set down the requirements. If you keep any variation of this language, please delete "State Board of Education." Since you have defined "SBE", you don't need it.*

*In Item (1), I just want to verify that this is intended to be one item – "official degree dated transcripts"? This is not intended to be 1) the official degree and 2) dated transcripts?*

*In Item (2), where is the underlying requirement that the CPL be recommended by the EPP? G.S. 115C-270.20 requires that an applicant "complete a recognized educator program", not that he or she is recommended by them. Is the intent here that they also must get the recommendation (which I think you have authority to require)? Is the requirement that they receive the recommendation of the EPP elsewhere? Is this just a semantics issue whereby if the applicant completes a EPP, they are automatically recommended by it by way of their diploma (or something of the like?) **Note: After reading .0347 I see that this was not a correct understanding. I kept this note here simply to explain the clarity concern.***

*Also, after reading .0347, what if an applicant gets direct approval from the SBOE? Then Item (2) would not be applicable. Please review and clarify.*

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



*A suggestion addressing the notes of this Rule is as follows:*

(a) In addition to the requirements set forth in G.S. 115C-270.20(a)(3), to [To] be issued an Initial Professional License (IPL), [pursuant to G.S. 115C-270.20,] an applicant [must complete all State Board of Education (SBE) requirements appropriate for the license as follows:] shall obtain a recommendation from a State approved EPP or be directly approved by the SBE and submit the following information:

(1) [Submit] an official degree dated transcripts; [and]

(2) [Submit] the recommendation by the Educator Preparation Program or documentation of the approve by the SBE; and

(3) any applicable valid and current out-of-state educator license.

(b) If an applicant is seeking direct approval from the SBE, he or she shall submit XXXXXX (whatever is necessary to submit a request for approval.) The SBE shall approve the applicant if (however you all will decide to approve or deny the request.)

*Please note if you choose to use this suggestion, please ensure the accuracy. It is never my intention to change the meaning of a rule, only to provide clarification or offer an explanation to my notes.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0340 is proposed for adoption as follows:

2 **16 NCAC 06C .0340 REQUIREMENTS TO BE ISSUED AN INITIAL PROFESSIONAL LICENSE FOR**  
3 **AN EDUCATOR**

4 To be issued an Initial Professional License (IPL) pursuant to G.S. 115C-270.20, an applicant must complete all State  
5 Board of Education (SBE) requirements appropriate for the license as follows:

6 (1) Submit official degree dated transcripts; and

7 (2) Submit recommendation by the Educator Preparation Program and any applicable valid and current  
8 out-of-state educator license.

9  
10 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.15; 115C-270.20;

11 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

12 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0341

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*There are some formatting issues with this Rule, including the lack of punctuation at the end of (3) and the period at the end of (4). I think that this will get corrected with other revisions noted below, but I wanted to mention it just in case.*

*Who is responsible for submitting the application for a Residency License? It appears to me that it's the LEA based upon G.S. 115C-270.20(a)(5), but that's not clear here. Here, do you mean something like "Any Local Education Authority seeking a residency license for an individual pursuant to G.S. 115C-270.20(a)(5) shall submit the following:"*

*Elsewhere in these Rules you have provided the acronym for each kind of license. I would suggest that you do the same here and add "(RL)"*

*In Item (2), are the contents of the residency form provided elsewhere in rule or statute? If not, please provide them here.*

*Is (3) necessary since the statute requires that "the LEA" submit the request? Is the intent here to make it clear that the individual must be in the employ of the LEA at the time of the request? If so, that's not clear. If that is the intent, I would suggest pulling this requirement out into its own Paragraph. Please note the same question for .0348.*

*Items (4) and (5) repeat G.S. 115C-270.20(a)(5) and are therefore unnecessary.*

*How does this Rule go with .0356? Would it make sense to combine them? I note that currently, this Rule only requires that a person "complete coursework" without providing how much. This has the potential of conflicting with .0356 which requires a specific amount.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0341 is proposed for adoption as follows:

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

To be issued a Residency License pursuant to G.S. 115C-270.20(a)(5), an applicant must complete all State Board of Education (SBE) requirements appropriate for the license as follows:

(1) Official degree dated transcripts;

(2) Completed Residency License form;

(3) Employed by a local education agency (LEA)

(4) Has either completed coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the State Board.

(5) Enrolled in a State Board of Education approved educator preparation program.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0342

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, what is your authority for allowing "provisional" licenses. I see that your Statutes allow for provisional licenses for assistance principals, but this appears to be applicable to more.*

*In (a), how is it determined whether a provisional teaching area "may" be added? What factors will be used? What requirements must be met in order for this to occur?*

*In (a), what is a "provisional teaching area"? I see that "provisional license" is defined, but this is not. Is this a "provisional license" in a particular area?*

*In (a), just so I understand – by "issued at the bachelor's level or higher" do you mean that if I have a license with an "A", "M", "S", or "D" then I can add a provisional teaching area?*

*In (b), what is meant by "may be met by testing"? I think that it would help to write this in active voice and say who is required to do what. Do you mean something like "Any licensee seeking to add a provisional teaching area (or provisional license in a particular teaching area) shall pass the applicable test required for that teaching area when added to the CPL or IPL"? If this is what you mean, please also provide the passing requirement or confirm that it is set forth elsewhere.*

*Also in (b), I wouldn't need to test if I want to add a provisional area in my CTE-A?*

*What is the intent of (c)? Please review and revise for clarity.*

*Also in (c), what are the "State Board of Education requirements" to be met?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0342 is proposed for adoption as follows:

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

(a) A provisional teaching area may be added to a Continuing Professional License (CPL), Initial Professional License (IPL), and Career and Technical Education (CTE) Restricted license issued at the bachelor's level or higher.

(b) Requirements to clear the provisional teaching license may be met by testing when added to the CPL and IPL

(c) CTE Restricted licensees must clear other provisionally added CTE license area(s) by meeting State Board of Education requirements.

*History Note:      Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0343

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, what is the intent of this Rule? Do you need this Rule given .0344?*

*What is your specific authority for provisional licenses and this Rule?*

*How is it determined whether a provisional student services license will or will not be issued at a different level?*

*What is meant by "other than that required for the Educator Preparation Program (EPP) recommendation"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0343 is proposed for adoption as follows:

**16 NCAC 06C .0343      DEGREE LEVEL REQUIREMENT TO BE ISSUED A PROVISIONAL LICENSE**  
**FOR STUDENT SERVICES PERSONNEL**

A Provisional Student Services license may be issued at a degree level other than that required for the Educator Preparation Program (EPP) recommendation.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.



## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0344

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is your specific authority for provisional licenses and this Rule? Is it G.S. 115C-270-20(b) since this is specific to student services? If this is applicable, I do not think that Item (7) would fall under G.S. 115C-270.20(b) since teachers are not included in the definition of "student services personnel" pursuant to G.S. 115C-270.1.*

*In (1)(a), accredited by whom? What is the difference between an "accredited" as referenced on lines 7 and 12 and "regionally accredited" on lines 11-12?*

*In (4)(b), what is meant by "all program requirements at the advanced level"? Is an "advanced level" something familiar and specific to psychology education programs? Does this simply mean "do what the school tells you to in order to get the degree"?*

*In (4)(b), what is meant by "... has matriculated concurring with the individual's employment"? What if employment and the education don't overlap? Is a provisional license only issued when there is overlap? If so, that's not clear either here or in your definition.*

*In Item (4), what is the difference between "written confirmation" in (b) and "official degree dated transcripts" in (c)?*

*In Item (5), do you want to switch (b) and (c) to be consistent with the rest of this Rule?*

*In Item (5)(c), delete or define "successful"*

*In Item (6), do you want to switch (b) and (c) to be consistent with the rest of this Rule?*

*In Item (6), what is an "advanced level license" as it pertains to school psychology?*

*If you have authority for Item (7) and keep this, you can't have an "a" without a "b"; therefore, please make this one sentence and say "teaching licensee shall be employed by an LEA."*

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0344 is proposed for adoption as follows:

**16 NCAC 06C .0344      REQUIREMENTS TO BE ISSUED A PROVISIONAL STUDENT SERVICES  
LICENSE**

To be issued a Provisional Student Services License, an applicant shall complete all State Board of Education (SBE) requirements for the license areas as follows:

(1) School Counselor Licensee shall:

- (a) Be enrolled in an accredited school counselor preparation program and have completed a minimum of 24 graduate semester hours of that program with completion of remaining requirements within three years; or have completed a master's degree in addition; career; clinical mental health; clinical rehabilitation; college counseling and student affairs; marriage, couple, and family counseling; or rehabilitation counseling from a regionally accredited college or university and be enrolled in an accredited school counselor preparation program to complete additional master's level courses needed to add school counseling specialization with completion of remaining requirements within three years;
- (b) Submit official degree dated transcripts to document verification of a bachelor's degree; and
- (c) Be employed by an LEA.

(2) School Social Work Licensee shall:

- (a) Be employed by an LEA;
- (b) Have completed a bachelor's, master's, specialist, or doctoral degree in social work; and
- (c) Submit official degree dated transcripts.

(3) Media Coordinator Licensee shall:

- (a) Be employed by an LEA;
- (b) Obtain an "A" level teaching license or bachelor's degree in media or have completed 18 graduate semester hours applicable toward a school media coordinator program; and
- (c) Submit official degree dated transcripts.

(4) School Psychology Licensee shall:

- (a) Be employed by an LEA;
- (b) Have completed all program requirements at the advanced level except for the thesis or internship and submit written confirmation from the college or university at which the individual has matriculated concurring with the individual's employment; and
- (c) Submit official degree dated transcripts.

(5) Curriculum and Instructional Specialist Licensee shall:

- (a) Be employed by an LEA;
- (b) Submit official degree dated transcripts; and
- (c) Obtain a Master's level teaching license and have a minimum of five years of successful teaching experience in that license area

(6) Exceptional Children Program Administrator Licensee shall:

(a) Be employed by an LEA;

(b) Submit official degree dated transcripts:

(c) Obtain a Master's level license in an exceptional children's area, curriculum instruction, or school administration, or advanced level license in school psychology.

(7) Teaching Area Licensee shall:

(a) Be employed by an LEA.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

Emergency Rule Eff. August 20, 2019.

## **RRC STAFF OPINION**

*PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.*

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0345

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- X Object, based on:
  - Lack of statutory authority
  - Unclear or ambiguous
- X Unnecessary
  - Failure to comply with the APA
- ☐ Extend the period of review

COMMENT:

*Staff also recommends objection to this Rule for lack of necessity because it repeats the requirements of G.S. 115C-284(c).*

### **§ 115C-284. Method of selection and requirements.**

(c) The State Board of Education shall have entire control of certifying all applicants for supervisory and professional positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates, and shall determine and fix the salary for each grade and type of certificate which it authorizes. The State Board of Education shall require each applicant for an initial certificate or graduate certificate to demonstrate the applicant's academic and professional preparation by achieving a prescribed minimum score at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose. If the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972. The Board shall not issue provisional certificates for principals.

The Board shall issue a one-year provisional assistant principal's certificate to an employee of a local board only if: (i) the local board determines there is a shortage of persons who hold or are qualified to hold a principal's certificate and the employee enrolls in an approved program leading to a masters degree in school administration before the provisional certificate expires; or

(ii) the employee is enrolled in an approved masters in school administration program and is participating in the required internship under the masters program. The Board shall extend the provisional certificate for a total of no more than two additional years while the employee is completing the program.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0345

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*To the extent that this Rule is necessary and is not objected to, generally speaking, we read rules without titles; however, the title of this Rule appears to be completely contrary to Statute. G.S. 115C-284(c) says that provisional licenses shall not be issued to principals, but may be issued to assistant principals. The title of this Rule allows for the issuance of a provisional license to principals. Please review and update the title of this rule. Please also correct the corresponding form.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0345 is proposed for adoption as follows:

2 **16 NCAC 06C .0345 REQUIREMENTS TO BE ISSUED A PROVISIONAL LICENSE FOR**  
3 **PRINCIPALS AND ASSISTANT PRINCIPALS**

4 (a) A one-year provisional principal's license may be issued to individuals selected by local boards of education for  
5 employment as assistant principals if:

6 (1) The local board has determined there is a shortage of persons who hold or are qualified to hold a  
7 principal's license and the employee enrolls in an approved program leading to a master's degree in  
8 school administration before the provisional license expires; or

9 (2) The employee is enrolled in an approved masters in school administration program and is  
10 participating in the required internship under the Masters program.

11 (b) The Department may renew the provisional license on an annual basis for a total of no more than two additional  
12 years while the employee is completing the program.

13  
14 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-284;

15 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

16 Emergency Rule Eff. August 20, 2019.  
17



## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0346

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is your authority for a "permit to teach"? Is this an Emergency License pursuant to G.S. 115C-270.20(a)(2)? If so, please change the language of this Rule to be consistent with Statute (but note my concern below regarding necessity if this is an Emergency License.)*

*In Item (2), what is your authority for a lateral entry license? It appears as though S.L. 2017-189 repealed 115C-296 which previously allowed for lateral entry licenses. Are lateral entry licenses now residency licenses?*

*If this is an Emergency License, is this Rule necessary? The requirements of this Rule appear to match those for an Emergency License, except that this appears to allow an individual to submit the request as opposed to the LEA, which is required by G.S. 115C-270.20(a)(2).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0346 is proposed for adoption as follows:

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

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

(1) Be employed by a local education agency (LEA);

(2) Submit documentation from the LEA that no appropriately licensed professionals or persons who are eligible for a residency or lateral entry license are available to accept the position; and

(3) Hold a bachelor's degree and do not qualify for a license under any other pathway.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0347

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Would it not make sense to combine this Rule and .0340? This Rule addresses a clarity concern I had with .0340.*

*Please delete "Educator Preparation Program" since "EPP" is defined.*

*Also, how will the SBOE determine whether it will approve an applicant directly? What factors will it use in making this determination? How is an applicant to make this request? When would this be applicable? Please provide some additional clarifying information. You may want to consider making this information its own Paragraph.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0348

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In light of .0341 and G.S. 115C-270.20(a)(5), is this Rule necessary? What is it doing that is not already addressed by these?*

*If it is necessary, please confirm that a "state approved EPP" is the same as a "recognized EPP" as provided in 115C-270.20.*

*On line 4, by "state" do you mean the "State of North Carolina"? If so, please capitalize "state."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC06C .0348 is proposed for adoption as follows:

**16 NCAC 06C .0348      ENROLLMENT AND EMPLOYMENT REQUIREMENTS FOR A RESIDENCY  
LICENSE**

Applicants for a Residency License must be enrolled in a state approved Educator Preparation Program and be employed in a North Carolina public school system to be eligible to be issued the license.

*History Note:      Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0349

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), for what purposes will an exam be considered comparable? I assume that this is intended to get to G.S. 115C-270.15(a)? Does this Rule go with .0355(b)? If not, perhaps it would be helpful to add some language addressing when this would be applicable and when someone has to provide to you? Here, I assume that you mean something like "Any out-of-state applicant who is licensed in another State shall submit the test scores of a comparable out-of-state licensing examination in accordance with this Rule"? If this Rule does go with .0355(b), please use consistent language between the two rules and/or consider combining the two for purposes of clarity.*

*Is (b) carving out an exception to (a)(2)? In other words, does the passing score established by the test developer apply unless an out-of-state applicant is seeking an IPL or CPL and their home state uses the same test as NC? Then, the test score set by SBE applies?*

*In (b), please confirm that the "SBE required exam score" is set forth elsewhere in rule or statute?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0349 is proposed for adoption as follows:

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

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

(1) The out-of-state licensure exam satisfied one component of the licensure process in that state at the time the exam was taken; and

(2) The out-of-state applicant demonstrates a score on the exam that meets or exceeds the passing score, or range of scores, established by the test developer.

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

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.15; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0350

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), what is meant by "as measured"? Could you just say "An IPL issued pursuant to G.S. 115C-270.20(a)(3) and .0340 of this Subchapter shall begin July 1 and end June 30 of each year"?*

*In (b), is "fiscal" in "fiscal year" necessary since you've given a date?*

*In (c), what are "all testing requirements"? Testing requirements for the CPL? Are these specifically set forth elsewhere? Please provide the cross-reference.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0350 is proposed for adoption as follows:

2 **16 NCAC 06C .0350 DURATION OF AN INITIAL PROFESSIONAL LICENSE**

3 (a) An Initial Professional License (IPL) covers three fiscal years, as measured beginning July 1 and ending June 30.

4 (b) All IPLs shall expire on June 30 of the third fiscal year following the issuance of the license.

5 (c) An IPL may be extended to allow an individual to accrue sufficient teaching experience to convert to a Continuing  
6 Professional License (CPL), provided that all testing requirements have been met.

7  
8 *History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

9 *Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

10 *Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0351

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is the overall intent of this Rule? How does this work? Will it depend upon what kind of license a person has to begin with? If a person with an IPL fails to pass the required exams, does their license turn into a limited license, giving them an additional three years to pass the required examinations? Alternatively, is this Rule saying that if a license expires because a person has failed to pass the required exam, then he or she can "revive" his or her license once they pass? I'm having a hard time with "expire" and "convert." If it's expired", it's unclear to me how it "converts." Please review and clarify this rule.*

*What are the "required licensure examinations"? Are the requirements set forth elsewhere in rule or statute?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0351 is proposed for adoption as follows:

2 **16 NCAC 06C .0351 TESTING REQUIREMENTS TO CONVERT AN EXPIRED LICENSE**

3 If a license expires due to failure to pass SBE required licensure exams, an individual may still convert the license  
4 after testing requirements are met.

5

6 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

7 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

8 Emergency Rule Eff. August 20, 2019.

9

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0352

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is your authority for a lateral entry license? It appears as though S.L. 2017-189 repealed 115C-296 which previously allowed for lateral entry licenses. Are lateral entry licenses now residency licenses?*

*Where are the requirements for lateral entry licensees? I do not see that you have provided any additional information on these licenses in this Rule nor do I see it in statute. As such, I have some clarity/ambiguity concerns since the requirements for this license do not appear to be specifically set forth.*

*What is the significance of the June 30, 2022 date?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0352 is proposed for adoption as follows:

2 **16 NCAC 06C .0352 TESTING REQUIREMENTS TO CONVERT A LATERAL ENTRY LICENSE**

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

7  
8 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

9 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

10 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0353

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Is this deadline specific to an IPL? If so, please make that clear in this Rule.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0353 is proposed for adoption as follows:

2 **16 NCAC 06C .0353 DEADLINE FOR LICENSURE TESTING REQUIREMENTS**

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

5  
6 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

7 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

8 Emergency Rule Eff. August 20, 2019.



## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0354

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In light of G.S. 115C-270.25, is this Rule necessary? What additional requirements are there beyond that of G.S. 115C-270.25?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0354 is proposed for adoption as follows:

**16 NCAC 06C .0354 EFFECTIVENESS DATA REQUIREMENT TO QUALIFY FOR A CONTINUING PROFESSIONAL LICENSE FOR AN OUT-OF-STATE APPLICANT**

An out-of-state applicant for a continuing professional license (CPL) shall submit evidence of effectiveness in order to qualify for the continuing license. The applicant shall provide documentation of the model used to generate the effectiveness data.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0355

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*How does this Rule go with .0349? Would it make sense to combine them?*

*In (a), what are the required licensure examinations? Is there a cross-reference available?*

*In (b), by "may", do you mean "shall"? Is there a different way of providing this to you all? Are you using "may" here in case someone doesn't have adequate test scores for NC, then they don't have to give these to you, but do have to take the exam?*

*How does "meets or exceeds the test developer's recommended cut score" go with .0349(b)? This rule seems to say that it's always the test developer's cut score, but .0349(b) says that the SBE can determine what that score is.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0355 is proposed for adoption as follows:

**16 NCAC 06C .0355     TEACHING EXPERIENCE REQUIREMENTS TO BE ISSUED A NORTH  
CAROLINA EDUCATOR LICENSE FOR OUT-OF-STATE APPLICANTS**

(a) Out-of-state applicants with fewer than three years of teaching experience seeking an initial professional license (IPL) in Elementary Education (ELED) or Exceptional Children: General Curriculum (ECGC) must take the North Carolina State Board of Education approved licensure examinations.

(b) Out-of-state applicants with fewer than three years of experience seeking an IPL in a teaching area other than ELED or ECGC may submit licensure examination scores for a comparable teaching area from another state for the purpose of meeting SBE testing requirements provided the passing score of the out-of-state examination meets or exceeds the test developer's recommended cut score.

*History Note:     Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0356

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In light of G.S. 115C-270.20(a)(5), is this Rule necessary? I'm thinking that the intent here is to provide that the required amount of coursework is 24 hours (as opposed to just "complete coursework" as provided by G.S. 115C-270.20(a)(5).) If that's the case, would it make sense to combine this Rule with .0341?*

*If this Rule is necessary, I note that "SBE approved content area examination" is worded differently elsewhere. Please be consistent where you can for purposes of clarity.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

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## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0357

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, what is your authority for an "International Faculty License"?*

*Please begin (a)(1) through (4) with lower case letters.*

*In (a)(2), regionally accredited by whom?*

*In (a)(3), change "their" to "his or her"*

*In (a)(3), is this his or her home country? The country in which they received their education? What is meant by "their country"?*

*In (b), what is the LEA or Charter School requesting? Do you mean that "the applicant may extend" or do you mean that the "SBE shall extend the applicant's license for an additional two years upon request of the employing LEA or Charter School and submitting documentation of an extension of the visa"?*

*In (c), by "may", do you mean "shall"? Is there ever going to be a circumstance in which the applicant meets the requirements for the specific license and also the work authorization, but you all don't grant the license?*

*In (d), how will the equivalency be evaluated? What factors are to be used to make this determination?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0357 is proposed for adoption as follows:

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

(a) An applicant for an International Faculty License must complete all requirements as follows:

(1) Hold a cultural exchange visa;

(2) Hold a baccalaureate degree from a regionally accredited institution;

(3) Meet their country's requirements for qualified teachers; and

(4) Have two years of classroom teaching experience.

(b) The applicant may extend the license for an additional two years by submitting documentation of an extension of the visa from the U.S. Department of State at the request of the employing LEA or charter school.

(c) The International Faculty license holder may qualify for the standard Initial Professional License (IPL), Continuing Professional License (CPL), Residency License, and Career Technical Education (CTE) Restricted License upon meeting all license requirements and providing U.S. Department of State work authorization.

(d) International Faculty License holders must provide an evaluation of an international transcript for education equivalency from a professional evaluation agency.

(e) An International Faculty License is issued at the A Level with zero years of experience and remains at that level for the duration of that license.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0358

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is your authority for a "permit to teach"? How is this different than an Emergency License?*

*This Rule says both that once a person holds a residency license, he or she both cannot hold a permit to teach at all and also says that he or she may be issued one once. Which is it? Please review and revise.*

*Also, eligible for an extension for what? A residency license? In accordance with what? Is this intending to get to a residency license that has already met the max renewals as provided in G.S.115C-270.20(a)(5)?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

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## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0359

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please consider providing the cross-reference to G.S. 115C-270.20(a)(2) for emergency licenses (it would say something like "Emergency license pursuant to G.S. 115C-270.20(a)(2)).*

*On line 4, how will it be determined whether the emergency license will qualify for experience credit? Is there a cross-reference available? Just so I understand – what will the experience credit do? Will it somehow enhance the A-level license? Is this for salary purposes?*

*Please consider breaking this Rule out into separate Paragraphs.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0359 is proposed for adoption as follows:

2 **16 NCAC 06C .0359 RESTRICTIONS FOR AN EMERGENCY LICENSE**

3 The issuance of an Emergency License to an individual does not guarantee that the license holder will qualify for any  
4 other type of licensure. The Emergency License shall be issued only at the A-level but may qualify for experience  
5 credit. An Emergency License shall not be granted an extension.

6  
7 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

8 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

9 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0360

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please provide the cross-reference to the 30-year requirement of G.S. 115C-270.20(a)(4). Since all of line 5 is covered by this Statute, please consider revising as follows:*

*“... have met the 30-year requirement pursuant to G.S. 115C-270.20(a)(4), and have maintained an active license in the teaching area during the 30 years.”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0360 is proposed for adoption as follows:

2 **16 NCAC 06C .0360 APPLICANT ELIGIBILITY TO BE ISSUED A LIFETIME LICENSE**

3 Administrator and student-support licenses are not eligible for the Lifetime License; however, administrators and other  
4 student-support professionals are eligible for a Lifetime License in an approved teaching area provided they have met  
5 the 30-year requirement and have maintained an active license in the teaching area during the 30-years.

6  
7 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

8 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

9 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0361

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*I assume this Rule is applicable to both educators at low performing schools and those at schools that are not low performing? Please consider making this more clear.*

*In (a), what is a LEA? Is this not a Local Board of Education? It appears to me that it is the responsibility of the Superintendent to place an educator on a mandatory improvement plan pursuant to G.S. 115C-270.333 and 115C-270.333.1. As such, it looks like this Rule conflicts with statute in who can put an educator on a mandatory improvement plan.*

*In (a), by "may", do you mean "shall"? I note that based upon (c), the intent appears to be "may", but are there factors that the local authority is to use in making this determination or do they make this call with no additional guidance from the SBE?*

*In (a), change "their" to "his or her"*

*What is the difference between a Local Education Agency as referenced in (a) and a local board of education as referenced in (a)(1)? Are these not the same? If they are the same, how is an LEA to place an educator on a mandatory improvement plan if he or she is not employed by them? Also, if they are the same, please use consistent terminology (but note my concern regarding the superintendent.)*

*In (a)(3), what is "the 5-year renewal cycle"? Is this applicable to CPLs? In other words, reading this all together, a CPL who is not in his or her fifth year, cannot be placed on a mandatory improvement plan unless he or she is "not deemed proficient on their most final summative evaluation"? I assume that these summative evaluations are those required by G.S. 115C-270.333 and 115C-270.333.1? If so, please make this more clear.*

*In (b) and (c), change "above criteria" to "criteria set forth in Paragraph (a) of this Rule"*

*In (b), by "may", do you mean "shall"? If you mean "may", what other factors will be used in making the determination, other than he or she meets the requirements for an IPL?*

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

*In (b), what are “all other licensure requirements”? Do you mean those set forth in G.S. 115C-270.20(3) and .0347 of this Chapter”? If so, please say that. Also, am I to understand that if a CPL is placed on a mandatory improvement plan, then he or she can get an IPL instead of a CPL?*

*In (d), by “the provision of this Rule”, do you mean “Paragraph (c) of this Rule? If so, please say that.*

*In (e), G.S. 115C-270.333 says “90 instructional days or before the beginning of the next school year.” Please revise to be consistent with statute.*

*In (e), G.S. 115C-270.333.1 says “at least 60 days” for schools not designated as low performing. Please revise to be consistent with statute.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



16 NCAC 06C .0361 is proposed for adoption as follows:

**16 NCAC 06C .0361      REQUIREMENTS FOR AN EDUCATOR TO BE PLACED ON A MANDATORY  
IMPROVEMENT PLAN**

(a) An educator may be placed on a mandatory improvement plan by their hiring Local Education Agency (LEA) if they do not meet the following renewal requirements:

(1) The educator is not employed by a local board of education;

(2) The educator does not possess a Continuing Professional License;

(3) The educator is in the final year of the 5-year renewal cycle; or

(4) The educator is not deemed proficient on their most recent final summative evaluation.

(b) An educator who meets the above criteria and who is placed on a mandatory improvement plan may be eligible to receive an Initial Professional License (IPL) provided all other licensure requirements are met.

(c) An educator who meets the above criteria and who is not placed on a mandatory improvement plan shall be deemed to have an “expired” teaching license.

(d) An educator whose license has expired pursuant to the provision in this Rule shall be eligible to apply for an IPL after a 30-day waiting period.

(e) The term of the mandatory improvement plan shall be 90 instructional days for teachers in schools identified as low performing and 60 instructional days for teachers in schools not identified as low performing.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.30; 115C-333; 115C-333.1;*  
*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*  
*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0362

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), I assume by "the licensure renewal requirements" you mean those set forth in this Rule? If so, please add something like "as set forth in this Rule" at the end of (a).*

*In (b),(c), and (d), what is the "five-year renewal cycle"? Is this tied to the license or is this cycle set by you all? I see it referenced in G.S. 115C-270.30, so I don't doubt the authority – just trying to understand how it works.*

*In (b), (c), and (d), please delete the reference to the date. Since this Rule is not effective until after June 30, 2019, this makes it appear as though this Rule is retroactive.*

*In (c)(3) and (d)(3), what is meant by "which does not include years of teaching experience"? I don't understand this language here.*

*What is your authority to require renewals for student services personnel? Is it G.S. 115C-270.30(a)?*

*In (d)(1), what are the "North Carolina standards for their professional discipline"?*

*What is your authority for (e)? G.S. 115C-270.30 requires 3 credits in a teacher's academic subject area and 3 additional credits related to literacy for elementary education. Does the "National Board for Professional Teaching Standards certification process" meet these requirements? Also, how does this work with the 5 year cycle?*

*Is (f) necessary since you've allowed the LEA to assign subject matter in (c)(3) and (d)(3)?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0362 is proposed for adoption as follows:

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

(a) A teacher with a K-12 license must meet the licensure renewal requirements for the grade-span corresponding to their teaching assignment.

(b) Teachers of grades kindergarten through five with licenses expiring on or after June 30, 2019 must complete 8.0 renewal credits during each five-year renewal cycle that meet the following requirements:

(1) 3 renewal credits in their academic subject area;

(2) 3 renewal credits addressing literacy pursuant to G.S. 115C-270.30(b)(2); and

(3) 2 renewal credits addressing the Digital Learning Competencies.

(c) Teachers of grades six through twelve with licenses expiring on or after June 30, 2019 must complete 8.0 renewal credits during each five-year renewal cycle that meet the following requirements:

(1) 3 renewal credits in their academic subject areas;

(2) 2 renewal credits addressing the Digital Learning Competencies; and

(3) 3 general credits, which does not include years of teaching experience, at the discretion of the employing LEA.

(d) Student services personnel with licenses expiring on or after June 30, 2019 must complete 8.0 renewal credits during each five-year renewal cycle that meet the following requirements:

(1) 3 renewal credits that align with the expectations of the North Carolina standards for their professional discipline area;

(2) 2 renewal credits addressing the Digital Learning Competencies; and

(3) 3 general credits, which does not include years of work experience, at the discretion of the employing LEA.

(e) Educators completing the National Board for Professional Teaching Standards certification process may earn all 8.0 renewal credits for completion of the process and certification. Educators who are in the national board renewal cycle may earn two credits.

(f) LEAs may assign literacy requirements for any educator.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.30;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0363

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please remove the references to the dates in (a) and (b). This Rule will not be effective until August 1 at the earliest. Given the removal of the dates, do you still need (a)? It appears not.*

*If you need (a), what are "the expectations of the North Carolina School Executive Standards" in (a)(1)? Same question for (b)(1).*

*In (a)(2) and (b)(3), what is meant by "which does not include years of teaching experience"? I don't understand this language here.*

*In (a) and (b), what is the "five-year renewal cycle"? Is this tied to the license or is this cycle set by you all?*

*Delete (d). It's repetitive of (c).*

*Is (c) necessary since you've allowed the LEA to assign subject matter in (a)(2) and (b)(3)?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0363 is proposed for adoption as follows:

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

(a) School administrators with licenses expiring between June 30, 2016 and June 30, 2018 must complete 8.0 renewal credits during each five-year renewal cycle that meet the following requirements:

(1) 3 renewal credits that align with the expectations of the North Carolina School Executive Standards 2, 4, and 5, focused on the school executive's role as instructional, human resources, and managerial leader; and

(2) 5 general credits, which does not include years of work experience, at the discretion of the employing local education agency.

(b) School administrators with licenses expiring on or after June 30, 2019 must complete 8.0 renewal credits during each five-year renewal cycle that meet the following requirements:

(1) 3 renewal credits that align with the expectations of the North Carolina School Executive Standards 2, 4, and 5, focused on the school executive's role as instructional, human resources, and managerial leader;

(2) 2 renewal credits addressing the Digital Learning Competencies; and

(3) 3 general credits, which does not include years of work experience, at the discretion of the employing LEA.

(c) LEAs may assign literacy requirements for any educator.

(d) LEAs may assign literacy requirements for any educator.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.30; 115C-284;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0364

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), please make "Teaching Experience Credit Requirements as a North Carolina Educator" into a complete sentence to clarify the applicability of this Rule.*

*In (a), is this for salary purposes in accordance with G.S. 115C-302.1? If so, please say that.*

*In (b), what is considered to be "part-time" versus "full-time"? Is this defined somewhere in rule or statute? I see additional information is provided for colleges in (c), but what about for the LEA? Is the 15 hours in (a) intended to be part time?*

*Please remove the comma following "provided"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0364 is proposed for adoption as follows:

**16 NCAC 06C .0364 EXPERIENCE OR DEGREE CREDIT FOR SALARY PURPOSES**

**(a) Teaching Experience Credit Requirements as a North Carolina Educator**

An educator must be employed for at least 15 hours per week to receive teaching experience on an educator license in a local education agency (LEA).

(b) An educator in an LEA or college may combine full-time experience of less than six calendar months in one fiscal year with another fiscal year of part-time or full-time experience to equal one year of experience credit to receive teaching experience.

(c) An educator may receive teaching experience on their license for college teaching based on the number of clock hours spent in the classroom teaching per week. Six class hours per week shall be considered half-time teaching and twelve class hours per week shall be considered full-time teaching.

(d) With a recommendation by the LEA, an educator may use service as a tutor, clerical paraprofessional, or substitute teacher as non-teaching experience provided, they are a current employee of the LEA.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-302.1;*  
*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*  
*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0365

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*For purposes of clarity, please consider combining (b) and (f) and making them your first Paragraph.*

*In (b) and (f), please delete "directly"*

*What is considered to be "full-time"? I see that you've defined "half-time" as 20 hours a week, so I assume that "full-time" is 40 hours? Please make this clear.*

*In (c), what is considered "part time"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



16 NCAC 06C .0365 is proposed for adoption as follows:

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

(a) An educator may receive credit for non-teaching work experience earned while self-employed if it is verified by a tax attorney or an accountant who prepared the educator's tax returns or by a company co-owner.

(b) An educator may receive credit for non-teaching work experience when it is determined to be relevant and directly related to the educator's work assignment and license held.

(c) An educator may combine full-time non-teaching work experience of less than six calendar months in one fiscal year with another fiscal year of part-time or full-time non-teaching work experience to equal one year of experience credit.

(d) An educator may receive credit for one year of work experience for every two years of full-time relevant work experience completed prior to earning a bachelor's degree.

(e) An educator may receive credit for one year of experience for each year of full-time relevant non-teaching work experience completed after earning a bachelor's degree.

(f) For the purposes of this Rule, relevant non-teaching work experience shall be defined as professional work experience in public or private sectors that is directly related to an individual's area of licensure and work assignment. Credit for non-teaching work experience is not transferable to other licensure areas for which the experience is not relevant. To be eligible for credit, the experience must meet the following criteria:

- (1) was at least half-time, which is defined as 20 hours or more per week;
- (2) was completed after age 18;
- (3) did not include on-the-job training; and
- (4) was paid and documented.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0366

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, credit for what? Is this for purposes of calculating salary?*

*On line 4, by "may", do you mean "shall"? If you mean "may", who holds this discretion? If it's anyone other than the applicant, how will it be determined whether the credit will be given.*

*Also, how is it determined whether experience is "relevant"? What factors will be used?*

*What if this licensee did not receive a bachelor's as appears to be contemplated by G.S. 115C-270.20(c)?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0366 is proposed for adoption as follows:

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

Career and Technical Education license holders may receive credit for one year of relevant CTE Trade and Industry experience for each year of experience earned prior to earning a bachelor's degree.

*History Note: Authority G.S. 115C-12; 115C-151; 115C-153; 115C-154; 115C-156; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0367

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, credit for what? Is this for purposes of calculating salary? If so, please make that clear.*

*On line 4, what is meant by "partial service"? I see that the statute speaks to full-time. Is the intent here to get to "part time" experience?*

*On line 5, by "may", do you mean "shall"? If you mean "may", who holds this discretion? If it's anyone other than the applicant, how will it be determined whether the credit will be given.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0367 is proposed for adoption as follows:

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

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

*History Note:      Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0368

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What is actually being awarded here? I assume that it is not the Act? Do you mean "Credit for salary purposes pursuant to the Corporal Pruitt Rainey Brass to Class Act"?*

*How will it be determined whether someone is eligible for this credit? I see that S.L. 2013-268 provides specific requirements. Are there anymore? Please provide some additional information regarding this credit, including the specific requirements provided by S.L. 2013-268.*

*Are JROTC instructors not eligible for this credit because they are not considered principals, assistant principals, or teachers?*

*On line 6, Rule III(a) of what?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0368 is proposed for adoption as follows:

**16 NCAC 06C .0368      REQUIREMENTS TO BE AWARDED THE CORPORAL PRUITT RAINEY  
BRASS TO CLASS ACT**

The Corporal Pruitt Rainey Brass to Class Act may be awarded to veterans initially employed by a North Carolina Local Education Agency (LEA) or Charter School on or after July 1, 2014. Junior Reserve Officers' Training Corps (JROTC) instructors covered by Rule III(a) do not qualify for the Corporal Pruitt Rainey Brass to Class Act.

*History Note:      Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3; S.L. 2013-268;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0369

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), by "may", do you mean "shall"? It appears that if an educator meets the requirements of this Rule (including (b)), then DPI shall authorize the salary on the master's level. If it is "may", what factors are to be used in making this determination?*

*Please begin (a)(1) through (3) and (b)(1) and (2) with lower case letters.*

*In (b), what is your authority to cut off the masters pay with these dates. I know that you have it, I just don't see it listed in your History Note. Is there a Session Law you can cite?*

*In (b)(2), I assume by "qualified", you mean "met the requirements of Paragraph (a) of this Rule"?*

*G.S. 115C-270.302.1 requires that the SBE "maintain the same policies related to masters pay for teachers that were in effect for the 2008-2009 fiscal year." Please confirm that this Rule meets that mandate.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



16 NCAC 06C .0369 is proposed for adoption as follows:

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

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

(1) The master's or higher-level degree is from a regionally accredited Educator Preparation Program (EPP);

(2) The master's or higher-level degree is in an education or subject area directly related to an existing area of licensure and current teaching assignment or instructional support responsibilities; and

(3) The educator's assignment for 50% or more of the school day is in the area for which the master's or higher-level degree applies.

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

(1) Completed at least one course toward that degree prior to August 1, 2013; or

(2) Qualified for the salary supplement on or before June 30, 2013.

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

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0370

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Who is the appeals panel? I assume this in accordance with G.S. 115C-45(c)? If so, this is an appeals panel of a local board of education? I assume that this is where an educator may appeal if he or she doesn't get credit for something that they think they should; however, I think this rule is missing that bridge. If that is correct, how is an educator to effect the appeal? Is that set by each local board?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0370 is proposed for adoption as follows:

2 **16 NCAC 06C .0370 EXPERIENCE CREDIT RESTRICTIONS ENFORCED BY THE APPEALS**  
3 **PANEL**

4 An educator shall not be awarded experience credit if the Appeals Panel deems the experience or degree not to be  
5 directly related to the areas of work assignment. An educator shall not be awarded graduate pay if the Appeals Panel  
6 deems the master's or higher level degree to be not directly related to the areas of work assignment for 50% or more  
7 of the school day.

8  
9 History Note: Authority G.S. 115C-12; 115C-45(c); 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1;

10 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

11 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0371

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, I don't have concerns regarding your authority to charge these fees (assuming that they don't exceed your actual cost to provide the service), but I do have some clarity concerns with some of the wording of this Rule. I don't think that it's clear when an educator would be required to pay. Is this upon application for any of these things? Some of these things may be clear when read in conjunction with the corresponding rule, others I don't think are.*

*In (a), remove the reference to the past date.*

*In Item (3), what is your authority for a provisional license? Same question for (31).*

*In Item (4), when would you "delete license area"? Does this deal with revocation or is this upon request of the licensee?*

*In Item (5), what is a "work authorization"?*

*In Item (10), what is "clear validation"? I note that this is also in Item (24).*

*In Item (11), what is "clear license area"? Same question for (32).*

*In Item (19), what is "an initial alternative license"? A CTE or JROTC?*

*In Item (20), what is meant by "validate an expired CPL"?*

*In Item (21), when would an IPL be extended? G.S. 115C-270.20 says IPLs are nonrenewable. Is an "extension" something different?*

*In Item (22), what is meant by "recommend initial to CPL"? Recommend to whom and by whom? Same question for (30).*

*In Item (23), what is meant by "upgrade or clear license area"*

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

*In Item (27), what is “an alternative area”*

*In Item (28), what is “graduate pay”? Is this masters pay?*

*Please just confirm that these fees do not “exceed the actual cost of providing the service” in accordance with G.S. 115C-270.10.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

16 NCAC 06C .0371 is proposed for adoption as follows:

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

(a) For applications opened on or after January 1, 2017, an educator must pay the required fee to apply for the following application types pursuant to G.S. 115C-270.10:

- (1) In-State Initial Professional License - \$70
- (2) Out-of-State Initial Professional License - \$100
- (3) Extend Provisional License Area - \$60
- (4) Delete License Area - \$60
- (5) Change Work Authorization - \$60
- (6) Add Area by Program Completion - \$60
- (7) Add Experience - \$60
- (8) Add Area by Test or 24 Semester Hours - \$60
- (9) Add National Board Certification - \$60
- (10) Clear Validation - \$60
- (11) Upgrade or Clear License Area - \$60
- (12) Late Renewal - \$35
- (13) Name Change - \$60
- (14) Update Contact Information – No fee
- (15) Education Record Correction – No fee
- (16) Verification of NC License - \$30
- (17) Request Copy of Files or Test Scores - \$30
- (18) Research Experience - \$30
- (19) Initial Alternative License - \$100
- (20) Validate an Expired Continuing Professional License - \$60
- (21) Extend Initial Professional License - \$60
- (22) Recommend Initial to Continuing Professional License - \$60
- (23) Upgrade or Clear License Area - \$60
- (24) Clear Validation - \$60
- (25) Convert to LAT - \$60
- (26) Convert to CTE - \$60
- (27) Add Alternative Area - \$60
- (28) Authorize Graduate Pay - \$60
- (29) Renew License - \$35
- (30) Recommend Initial to Continuing Professional License – No fee
- (31) Extend Provisional License Area – No fee
- (32) Upgrade of Clear License Area - \$60
- (33) Convert to Initial Professional License - \$60

1           (34) Convert to Continuing Professional License - \$60

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

3

4 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.10;

5 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

6 Emergency Rule Eff. August 20, 2019.

7

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0372

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*How will the SBE decide whether it will deny, revoke or suspend a license when one of these things occurs? What factors will be used in making this determination?*

*Please begin Items (1) through (9) with lower-case letters.*

*In Item (3), what is meant by "in an effective manner"? Please delete this language.*

*In Item (4), delete or define "effectively"*

*In Item (6) and (8), where is the underlying requirement that they give 30 days?*

*In Item (8), add a comma after "unethical"*

*In Item (9), what is "revocable conduct" and where is the duty to report found? What is the law that requires this?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



16 NCAC 06C .0372 is proposed for adoption as follows:

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

The State Board of Education (SBE) may deny an application for a license or may suspend or revoke a license issued by the North Carolina Department of Public Instruction (DPI) only for the following reasons:

- (1) Fraud, material misrepresentation, or concealment in the application for the license;
- (2) Changes in or corrections of the license documentation that make the individual ineligible to hold a license;
- (3) Conviction or entry of a plea of no contest, as an adult, to a crime if there is reasonable and adverse relationship between the underlying crime and the continuing ability of the person to perform any of their professional functions in an effective manner;
- (4) Final dismissal of a person by a local board pursuant to G.S. 115C.325(e)(1)b if there is a reasonable and adverse relationship between the underlying misconduct and the continuing ability of the person to perform any of their professional functions effectively;
- (5) Final dismissal of a person by a Local Education Agency (LEA) due to physical or mental incapacity under G.S. 115C.325(e)(1)e;
- (6) Resignation from employment with an LEA without thirty calendar days' notice, except with the prior consent of the local superintendent;
- (7) Revocation of a license by another state;
- (8) Any other illegal, unethical or lascivious conduct by a person if there is a reasonable and adverse relationship between the underlying conduct and the continuing ability of the person to perform any of their professional functions in an effective manner; and
- (9) Failure to report revocable conduct as required by law.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.35; 115C-325;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0373

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), is the "any duty to report suspected child abuse" pursuant to G.S. 115C-400? If so, please provide the cross-reference.*

*In (a), what is "behavior that would justify revocation"? Is it .0372? Please provide the appropriate cross-reference.*

*In (a), delete or define "promptly." If you delete it, it would just read "... to the Superintendent of Public Instruction no later than five working days after the date of a dismissal..."*

*Please delete (c).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0373 is proposed for adoption as follows:

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

(a) In addition to any duty to report suspected child abuse, any superintendent, assistant superintendent, associate superintendent, personnel administrator or principal who knows or has reason to believe that a licensed employee of the LEA has engaged in behavior that would justify revocation of the employee's license or involves physical or sexual abuse of a child, shall report that information to the Superintendent of Public Instruction promptly or at least no later than five working days after the date of a dismissal or other disciplinary action or the acceptance of a resignation based upon that conduct.

(b) For purposes of this section, the term "physical abuse" shall mean the infliction of physical injury other than by accidental means and other than in self-defense. The term "sexual abuse" shall mean the commission of any sexual act upon a student or causing a student to commit a sexual act, regardless of age of the student and regardless of the presence or absence of consent.

(c) This Rule shall apply to acts that occur on or after October 1, 1993.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.35;

Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0374

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), add a comma following "local superintendent"*

*In (a), who would be an "other person in a position to present information"?*

*In (a), change "will" to "shall"*

*In (a), delete or define "reasonable"*

*In (c), change "will" to "shall"*

*In (d), change "will" to "shall"*

*In (d), is this "proposed decision" not a "final decision" under 150B? Please review Paragraph (d) to ensure that it complies with the Administrative Procedure Act.*

*In (e), how will it be decided whether the license will be permanently revoked or suspended for a specified time? What factors will be used?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0374 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0374      INVESTIGATION REQUIREMENTS TO DETERMINE REASONABLE CAUSE**  
4 **TO SUSPEND OR REVOKE AN EDUCATOR LICENSE**

5 (a) Upon the receipt of a written request and substantiating information from any LEA, local superintendent or other  
6 person in a position to present information as a basis for the suspension or revocation of a person's license, the  
7 Superintendent of Public Instruction will conduct an investigation sufficient to determine whether reasonable cause  
8 exists to believe that the person's license should be suspended or revoked.

9 (b) If the Superintendent determines that reasonable cause exists to believe that the person's license should be  
10 suspended or revoked on one or more of the grounds specified in Rule .0372, the Superintendent shall prepare and file  
11 written charges with the SBE.

12 (c) The SBE will review the written charges and determine whether the person's license should be suspended or  
13 revoked based on the information contained in the written charges. If the SBE determines that the written charges  
14 constitute grounds for suspension or revocation, it shall provide the person with a copy of the written charges, and  
15 notify the person that it will revoke the person's license unless the person, within 60 days of receipt of notice, initiates  
16 administrative proceedings under Article 3, Chapter 150B of the General Statutes. The notice will be sent certified  
17 mail, return receipt requested.

18 (d) If the person initiates administrative proceedings, the SBE will defer final action on the matter until receipt of a  
19 proposed decision as provided for in G.S. 150B-34. If the person does not initiate administrative proceedings within  
20 60 days of receipt of notice, the SBE may suspend or revoke the person's license at its next meeting.

21 (e) The SBE may suspend an individual's license for a stated period of time or may permanently revoke the license,  
22 except as limited by G.S. 115C-325(o).

23  
24 History Note:    Authority    G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.35;  
25 115C-325;

26 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

27 Emergency Rule Eff. August 20, 2019.  
28

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0375

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 4, by "may", do you mean "shall"? If you mean "may", how will the SBE determine whether they will accept the voluntary surrender in lieu of revocation? What factors will be used? I will note that based upon G.S. 115C-325.9, I do think that "may" is accurate, but please provide the factors that will be used in making this determination.*

*On line 5, just so I understand when this may occur, is this "in lieu of seeking revocation of the license following an investigation in accordance with Rule .0374 of this Subchapter and G.S. 115C-325.9(a)(3)"?*

*What is meant by "the SBE shall treat a voluntary surrender the same as a revocation"? What are the practical implications of this language? Is there a cross-reference available for how a revocation is treated?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0375 is proposed for adoption as follows:

2  
3 **16 NCAC 06C 0375 VOLUNTARY SURRENDER OF AN EDUCATOR LICENSE**

4 The State Board of Education (SBE) may accept the voluntary surrender of a license in lieu of seeking revocation of  
5 the license. Before it accepts a voluntary surrender, the SBE shall make findings of fact regarding the circumstances  
6 surrounding the voluntary surrender to demonstrate that grounds existed under which the SBE could have initiated  
7 license revocation proceedings. The SBE shall treat a voluntary surrender the same as a revocation.

8  
9 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.35;  
10 115C-325.9; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec.  
11 27.(b);  
12 Emergency Rule Eff. August 20, 2019  
13

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0376

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), by "may", you mean "shall"?*

*Please correct the formatting of (b), (c), and (d). Please indent these, begin them with lower-case letters, and number them as (1), (2), and (3). Unless you add a (b), which you may want to address the "may" question above, you would also need to delete "(a)"*

*In (b), change the semi-colon after minors to a comma. Also, please add a comma after "moral turpitude."*

*In (b), what is considered to be "moral turpitude"? I note that crimes of moral turpitude are included in G.S. 115C-325(e)(1). Is that what you meant?*

*In (c), please provide the cross-reference to show what behaviors "could have resulted in license revocation"*

*In (b), do you mean G.S. 115C-(e)(1)(b)? This is just immorality. Do you mean the grounds set forth in G.S. 115C-325(e)(1)? If you just mean "immorality", change "grounds" to "ground."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



1 16 NCAC 06C .0376 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0376 REINSTATEMENT OR ISSUANCE FOR AN EDUCATOR WITH A SUSPENDED**  
4 **OR REVOKED LICENSE BY THE STATE BOARD OF EDUCATION**

5 (a) The SBE may reinstate a suspended or revoked license or may grant a new license after denial of a license upon  
6 an individual's application submitted no sooner than six months after the suspension, revocation, or denial and a  
7 showing that:

8 (b) The action that resulted in suspension, revocation or denial of the license did not involve abuse of minors; moral  
9 turpitude or grounds listed in G.S.115C-325(e)(1)(b);

10 (c) The person has no record of subsequent behavior that could have resulted in license revocation; and

11 (d) There is no court order or judicial determination that would prohibit the person from returning to or holding a  
12 licensed position.

13  
14 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.35;  
15 115C-325;

16 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

17 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0377

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 5, change "will" to "shall"*

*On line 5, change "which" to "that"*

*Just out of curiosity, will the SBE really notify all states, or just those states where a NC licensee is actively or was previously licensed?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0377 is proposed for adoption as follows:

2 **16 NCAC 06C .0377 NOTIFICATION TO OTHER STATES INVOLVING DENIAL, SUSPENSION,**  
3 **REVOCATION, SURRENDER, OR REINSTATEMENT OF A PROFESSIONAL**  
4 **EDUCATOR'S LICENSE**

5 The State Board of Education (SBE) will notify all other states of all actions which involve the denial, suspension,  
6 revocation, surrender, or reinstatement of a license for a professional educator.

7 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.35;

8 115C-321; 115C-325;

9 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

10 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0378

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), by "may" do you mean "shall, upon request" if the requestor shows "extenuating circumstances"? Here, I assume that you mean something like "The SBE shall grant one year extensions of time to satisfy licensure requirements upon a showing of 'extenuating circumstances' for individuals who..." If instead you do mean may, how will it be determined whether to grant the extension? What factors will be used in making this determination?*

*Also, if you do mean some variation of "upon request" or "upon a showing", who is responsible for this? .0379 appears as though the LEA is responsible for submitting this request on behalf of the educator.*

*In (a)(2), what is meant by "other licensure requirements"? Is there a cross-reference available?*

*In (b), please put "extenuating circumstance" in quotations since you are defining the term.*

*In (b), what is considered to be a "physical disability"?*

*In (b), delete or define "catastrophic"*

*In (b), delete or define "immediate" in "immediate family"*

*In (b), delete "reasonable" in "reasonable control"*

*In (b), how is this to be demonstrated? Do you require a doctor's note? Is this addressed by .0379? If so, please provide that cross-reference.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0378 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0378 PROCEDURE FOR SEEKING EXCEPTION FROM LICENSURE**  
4 **REQUIREMENTS**

5 (a) The State Board of Education may grant one-year extensions of time to satisfy licensure requirements due to  
6 extenuating circumstances for individuals who:

7 (1) Following initial licensure, have not completed the course work required to maintain a license; or

8 (2) Have not met other licensure requirements.

9 (b) Extenuating circumstances shall be defined as the illness or physical disability of the teacher, the death or  
10 catastrophic illness of a member of the teacher's immediate family, or other unforeseeable emergencies beyond the  
11 reasonable control of the teacher that have a direct and immediate impact on the teacher's ability to complete the  
12 licensure requirements.

13  
14 History Note: Authority G.S. 115-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

15 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

16 Emergency Rule Eff. August 20, 2019.  
17

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0379

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 6, capitalize "state"*

*In (a), what "licensure requirements"?*

*In (a)(4), would medical records as required by Paragraph (b) not be protected by HIPAA or something of the like?*

*In (c)(2), delete or define "sufficient"*

*Add "and" at the end of (d)(10).*

*The formatting of this Rule is off. I believe that the intent is that an application has to include a document signed by the individual, copies of medical records, a document signed by the principal, a document signed by the superintendent, and also a document signed by the local board chair, but that's not clear based on the formatting of this rule. Do you mean something like the following:*

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

(1) A document, signed by the individual, which includes:

~~(2)~~ (a) ~~A~~ a description of the extenuating circumstances that the teacher claims prevented him or her from satisfying the requirements for licensure;

~~(3)~~ (b) ~~A~~ a request for an extension of his or her license for one additional year to complete the course work required to maintain a license; and

~~(4)~~ ~~(c)~~ An an acknowledgment that the teacher understands that the materials submitted to the State Board of Education in support of his or her request are public records subject to disclosure under Chapter 132 of the North Carolina General Statutes.

~~(b)~~ (2) Copies of medical or other documentation to support the individual's claim of extenuating circumstances

~~(c)~~ (3) A document, signed by the North Carolina principal who most recently supervised the individual, which includes:

Amber May  
Commission Counsel

Date submitted to agency: July 1, 2020

- ~~(1) The (a) the~~ dates the principal supervised the teacher;
- ~~(2) Sufficient (b) evidence~~ of the individual's academic and professional preparation showing that the individual is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to all his or her students;
- ~~(3) A (c) a~~ statement that in the principal's opinion the teacher is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in his or her classroom; and
- ~~(4) A (d) a~~ copy of any of the individual's summative annual evaluations for the past three years.
- ~~(4)~~ (4) A document, signed by the superintendent of the local school system, which includes:
  - ~~(1) A (a) a~~ statement certifying that, based upon a review of the individual's and the principal's documentation and evidence, the superintendent believes the individual is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in his or her classroom;
  - ~~(2) A (b) a~~ list of the required course work that the applicant has completed;
  - ~~(3) A (c) a~~ description of the efforts that the local school administrative unit has made to assist the teacher to complete the required course work;
  - ~~(4) A (d) a~~ list of the required course work that the applicant must complete to qualify for a license;
  - ~~(5) A (e) a~~ description of the efforts that the local school administrative unit will make to assist the teacher to complete the required course work during the next year of teaching; and
  - ~~(6) A (f) a~~ statement that the superintendent believes that the applicant is likely to complete the required course work within the one-year extension.
- ~~(7)-(5)-~~ A document, signed by the chair of the local board of education, which includes:
  - ~~(8) A (a) a~~ certification that the local board of education has investigated the extenuating circumstances that the teacher claims prevented him or her from completing the required coursework for a license without undue hardship;
  - ~~(9) A (b) a~~ statement that the local board of education is satisfied that the teacher's description of the circumstances is true;
  - ~~(10) A (c) a~~ statement that the local board of education is satisfied that, due to extenuating circumstances, the teacher could not have completed the required coursework for a license without undue hardship; and
  - ~~(11) A (d) a~~ certification that the local board of education has approved the employment of the teacher for the next school year, subject only to the State Board of Education's decision to grant the requested one-year extension of the teacher's provisional license.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 16 NCAC 06C .0379 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0379 ONE-YEAR EXTENSION PROCESS FOR COURSEWORK REQUIREMENTS**  
4 **TO FULFILL LICENSURE REQUIREMENTS**

5 (a) A Local Education Agency (LEA) may apply to the State Board of Education for a one-year extension of time to  
6 satisfy state licensure requirements for an individual who, due to extenuating circumstances, has not completed the  
7 course work required to maintain a license. The application for this extenuating circumstance must include the  
8 following:

9 (1) A document, signed by the individual, which includes:

10 (2) A description of the extenuating circumstances that the teacher claims prevented him or her from  
11 satisfying the requirements for licensure;

12 (3) A request for an extension of his or her license for one additional year to complete the course work  
13 required to maintain a license; and

14 (4) An acknowledgment that the teacher understands that the materials submitted to the State Board of  
15 Education in support of his or her request are public records subject to disclosure under Chapter 132  
16 of the North Carolina General Statutes.

17 (b) Copies of medical or other documentation to support the individual's claim of extenuating circumstances

18 (c) A document, signed by the North Carolina principal who most recently supervised the individual, which includes:

19 (1) The dates the principal supervised the teacher;

20 (2) Sufficient evidence of the individual's academic and professional preparation showing that the  
21 individual is competent to teach the standard course of study and has demonstrated the ability to  
22 implement effective educational methods that provide differentiated, individualized instruction,  
23 assessment and remediation to all his or her students;

24 (3) A statement that in the principal's opinion the teacher is competent to teach the standard course of  
25 study and has demonstrated the ability to implement effective educational methods that provide  
26 differentiated, individualized instruction, assessment and remediation to the students in his or her  
27 classroom; and

28 (4) A copy of any of the individual's summative annual evaluations for the past three years.

29 (d) A document, signed by the superintendent of the local school system, which includes:

30 (1) A statement certifying that, based upon a review of the individual's and the principal's  
31 documentation and evidence, the superintendent believes the individual is competent to teach the  
32 standard course of study and has demonstrated the ability to implement effective educational  
33 methods that provide differentiated, individualized instruction, assessment and remediation to the  
34 students in his or her classroom;

35 (2) A list of the required course work that the applicant has completed;

36 (3) A description of the efforts that the local school administrative unit has made to assist the teacher  
37 to complete the required course work;



- 1       (4)     A list of the required course work that the applicant must complete to qualify for a license;  
2       (5)     A description of the efforts that the local school administrative unit will make to assist the teacher  
3             to complete the required course work during the next year of teaching; and  
4       (6)     A statement that the superintendent believes that the applicant is likely to complete the required  
5             course work within the one-year extension.  
6       (7)     A document, signed by the chair of the local board of education, which includes:  
7       (8)     A certification that the local board of education has investigated the extenuating circumstances that  
8             the teacher claims prevented him or her from completing the required coursework for a license  
9             without undue hardship;  
10       (9)     A statement that the local board of education is satisfied that the teacher's description of the  
11             circumstances is true;  
12       (10)    A statement that the local board of education is satisfied that, due to extenuating circumstances, the  
13             teacher could not have completed the required coursework for a license without undue hardship;  
14       (11)    A certification that the local board of education has approved the employment of the teacher for the  
15             next school year, subject only to the State Board of Education's decision to grant the requested one-  
16             year extension of the teacher's provisional license.

17  
18     History Note:   Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;  
19             Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
20             Emergency Rule Eff. August 20, 2019.  
21

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0380

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please note that when we read rules, we do so without the titles as those can be changed without going through the rulemaking process set forth in the APA. As such, please make it clear within the body of the text of the rule when and to whom something applies.*

*Panel's recommendation for what? Who is the panel? I assume that this is with regard to the extension.*

*Overall, what is the process for this extension? A local board requests on behalf of an educator, then a panel (maybe of the SBE) gets it? Then they make a recommendation to the entire Board who makes the final decision? Overall, I do not think that the process is clear.*

*On line 5, how will they make the decision? What factors will be used?*

*Overall, what is the process for this request for extension?*

*On line 6, what is meant by "unless otherwise prohibited by state or federal law"? What could this be?*

*On line 6, capitalize "state", assuming you mean the State of NC.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0380 is proposed for adoption as follows:

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

After receiving the panel's recommendation, the State Board of Education shall make a decision whether to grant the requested extension unless otherwise prohibited by state or federal law.

*History Note: Authority G.S. 115-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;*

Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b):

Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0381

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), what is to be included in the Plan? Are there any specific requirements other than the process for identifying and verifying beginning teachers? Would it be helpful to provide a cross-reference to .0383?*

*In (a), what factors is DPI to use in determining whether to approve these plans?*

*On line 6, what is considered to be "full-time"?*

*In (d), just to be clear, the beginning teacher is assigned to a BTSP by his or her principal in accordance with G.S. 115C-300.1"?*

*In (e), how is the public school unit to submit this data? Is there a required form? Also, G.S. 115C-12(22) appears to specifically give this responsibility to the SBE. Just to confirm that I understand, this Rule is simply saying for public school units to provide the information to DPI, but you all actually compile this report?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0381 is proposed for adoption as follows:

**16 NCAC 06C .0381 BEGINNING TEACHER SUPPORT PROGRAM REQUIREMENTS**

(a) All public school units must have a Beginning Teacher Support Program (BTSP) and a Beginning Teacher Support Program Plan (BTSP Plan) that has been approved by the public school unit and by NCDPI. All beginning teachers who are pursuing a continuing professional license must participate in a BTSP for three years. For the purposes of this Rule, a “year” is defined as working in a full-time permanent position for six or more calendar months during a North Carolina fiscal year. BTSP Plans shall include a documented process for identifying and verifying all beginning teachers.

(b) Student services personnel, administrators, and curriculum-instructional specialists are not required to participate in the BTSP.

(c) A beginning teacher with an initial license who converts to a continuing license must complete three years of teaching and a Beginning Teacher Support Program prior to conversion. Once a teacher has earned a continuing license in one licensure area, an additional participation in a BTSP is not required.

(d) Beginning teachers must be assigned to a BTSP in their area of licensure.

(e) Public school units must collect and submit data on the reasons why teachers leave the teaching profession and on vacancies in teaching positions to NCDPI for the State of the Teaching Profession in North Carolina Report.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0382

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Item (1), what is meant by "close proximity"? Please provide some clarifying information. I note that G.S. 115C-300.1 allows for teachers to be mentored by a mentor in a different building if certain criteria are met. Please ensure that "close proximity" complies with this provision.*

*Please end Item (2) with a semi-colon, rather than a period.*

*In Item (2), what is meant by "limit non-instructional duties"? I note that G.S. 115C-300.1 says beginning teachers shall not be assigned extracurricular activities unless they are specifically requested and other noninstructional duties are minimized. So, in light of this language, is Item (2) necessary? This is also a concern for Item (4).*

*In Item (3), what is "a limited number" and what are "exceptional students"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0382 is proposed for adoption as follows:

**16 NCAC 06C .0382 BEGINNING TEACHER SUPPORT REQUIREMENTS**

In order to support beginning teachers, all public school units must:

- (1) Assign all beginning teachers a mentor who works in close proximity to the beginning teacher;
- (2) Limit non-instructional duties, which are duties that are not directly involved with the instructional program or the implementation of the standard course of study.
- (3) Assign beginning teachers a limited number of exceptional students; and
- (4) Assign beginning teachers no extracurricular assignments, which are activities performed by a teacher involving students that are outside the regular school day and not directly related to the instructional program unless such assignments are requested in writing by the beginning teacher.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0383

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), what are the "North Carolina Professional Teaching Standards"?*

*In (c), please add a comma after "mentor"*

*On line 9, please add "the" before "beginning teacher"*

*In (e), evaluated by whom and for what?*

*An annual review for what purpose? What are they to evaluate?*

*Who is to complete the self-assessment? The beginning teacher? How about the peer review? Co-teachers of the beginning teacher?*

*On line 15, change "will" to "shall"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



16 NCAC 05C .0383 is proposed for adoption as follows:

**16 NCAC 06C .0383 BEGINNING TEACHER PROFESSIONAL DEVELOPMENT PLAN**

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

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

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

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

(e) All beginning teachers shall be evaluated.

(f) Public school units with approved BTSP plans must participate in an annual review, which includes a self-assessment and a peer review. This review shall be filed annually with the North Carolina Department of Public Instruction. Data from the annual reviews will be summarized and analyzed by NCDPI on a five-year cycle.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0384

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), what are the North Carolina Professional Teaching Standards” and “North Carolina Educator Evaluator Evaluation System”?*

*On line 6, what is meant by “properly validated”? How is this to occur and by whom?*

*In (c), how does this go with G.S. 115C-300.1(c)? Is the intent here to say use this evaluation data to ensure that a mentor is rated at least “proficient” for purposes of G.S. 115C-300.1(c)?*

*In (d), what are the “eligibility requirements”? Those contained in G.S. 115C-300.1(c)?*

*In (e), what are “the key features of Standard 2: Mentor Selection, Development, and Support for Beginning Teacher Support Program Standards”? Where can these be found? Alternatively, are Subparagraphs (e)(1) through (i) intended to be the guidelines? If so, delete the reference to the key features and just say something like “Mentor assignments shall comply with the following.”*

*Please end (e)(1) through (e)(8) with semi-colons; end (e)(8) with an “and” and begin (e)(1) through (e)(9) with lower-case letters.*

*In (e)(1), please provide some examples to provide clarity to “a variety of stakeholder groups.”*

*In (e)(2), delete or define “clearly”*

*In (e)(3), how is something to be “transparent” and “uniformly applied” What exactly is required here?*

*What is the difference between (e)(4) and (6)?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0384 is proposed for adoption as follows:

**16 NCAC 06C .0384 MENTOR PROGRAM REQUIREMENTS**

(a) All local boards shall have a mentor program to provide ongoing support for new teachers entering the profession.

(b) Public school units shall select qualified teachers to serve as mentors using the North Carolina Professional Teaching Standards and North Carolina Educator Evaluation System to evaluate teachers unless it develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those in the North Carolina Professional Teaching Standards and North Carolina Educator Evaluation System.

(c) Public school units may use the most recently available evaluation for teachers who lack an evaluation from the prior year. Teachers without evaluation data for two or more consecutive years shall not be eligible to serve as mentor teachers, unless the mentor is a retired teacher.

(d) Any teacher who is assigned to be a mentor to a beginning teacher shall meet eligibility requirements in the year of the assignment. No mentor whose evaluation falls below the “proficient” level may continue to serve as a mentor to a beginning teacher, regardless of existing mentor-mentee relationships with the beginning teacher.

(e) Mentor assignments and guidelines shall follow the expectations listed under the key features of Standard 2: Mentor Selection, Development, and Support for Beginning Teacher Support Program Standards:

(1) Mentor selection criteria shall include input from a variety of stakeholder groups.

(2) Mentor selection criteria are clearly articulated by program leadership.

(3) The process for mentor application and selection is transparent and uniformly applied.

(4) Mentors support beginning teacher orientation and provide logistical and emotional support.

(5) Mentors focus their primary support on improving instruction and learning.

(6) Mentors provide ongoing support and encouragement for the beginning teacher.

(7) Mentors receive initial training regarding their role as mentors and their responsibilities in the induction program.

(8) Mentors receive ongoing training to advance their knowledge and skills.

(9) Mentors have opportunities to participate in professional learning communities of mentoring practice.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1; 115C-333.1;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0385

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Begin Items (1) through (5) with lower case letters.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0385 is proposed for adoption as follows:

**16 NCAC 06C .0385      STANDARDS THAT DETERMINE TEACHER RATINGS**

The North Carolina Professional Teaching Standards used to determine teacher proficiency are a part of the North Carolina Educator Evaluation System (NCEES). The Professional Teaching Standards assess the following areas of the teaching profession:

- (1) Demonstration of leadership;
- (2) Establishment of a respectful learning environment for a diverse population of students;
- (3) Understanding of instructional content;
- (4) Facilitation of student learning; and
- (5) Self-reflection of professional practice.

*History Note: Authority G.S. 115C-12(22) ; 115C-268.1; 115C-268.5; 115C-299.5; 115C- 333; 115C-333.1; 115C-335;*  
*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*  
*Emergency Rule Eff. August 20, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0386

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Begin Items (1) through (7) with lower case letters.*

*Please confirm that this Rule complies with the requirements of G.S. 115C-284.1 and G.S. 116-74.21.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0386 is proposed for adoption as follows:

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

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

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

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; 115C-284.1;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0387

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Just to make sure that I understand, the Standards for School Executives are those set forth in .0386? If so, please consider providing that cross-reference.*

*Please begin Items (1) through (5) with lower case letters.*

*Please confirm that this Rule complies with the requirements of G.S. 115C-284.1 and G.S. 116-74.21.*

lease retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



1 16 NCAC 06C .0387 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0387 SCHOOL ADMINISTRATOR PREPARATION PROGRAM CURRICULUM**  
4 **REQUIREMENTS**

5 All School Administrator Preparation Programs shall offer curriculum aligned with the North Carolina Standards for  
6 School Executives that addresses student learning and school improvement and focuses on the following:

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

15  
16 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; 115C-284.1;  
17 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
18 Emergency Rule Eff. August 20, 2019.  
19

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0388

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 5, should "in" in "in a variety" be "to"?*

*Please begin (a)(1) through (3) with lower-case letters.*

*In (b), delete or define "successfully"*

*Please confirm that this Rule complies with the requirements of G.S. 115C-284.1 and G.S. 116-74.21.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0388 is proposed for adoption as follows:

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

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

(1) Engagement in instructional activities that involve teachers in a variety of disciplines and grade levels, including general education, special education, bilingual education and gifted education classroom settings;

(2) Observation of the hiring and supervision of teachers, other licensed staff, and non-licensed staff, which includes the development of a professional development plan for teachers; and

(3) Participation in leadership opportunities.

(b) Each program shall assign a faculty member to serve as faculty supervisor for the internship portion of the program. All programs shall ensure that each candidate successfully completes the training.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; 115C-284.1;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0389

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please begin Items (1) and (2) with lower case letters.*

*In Item (1), how will it be determined whether another state's principal's license is "comparable or equivalent"?*

*In Item (2), what is a "building principal"?*

*Please confirm that this Rule complies with the requirements of G.S. 115C-284.1 and G.S. 116-74.21.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0389 is proposed for adoption as follows:

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

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

- (1) The principal of the school shall hold a valid and current North Carolina principal license or if the internship site is located in another state, the principal shall hold a valid and current license with an area that is comparable or equivalent to the North Carolina principal license; and
- (2) The principal shall have two years of experience as a building principal. Local Education Agencies (LEAs) and other public-school governing bodies shall ensure that the cooperating principal meets the experience requirement prior to placement of the intern.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; 115C-284.1;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0390

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On lines 4-5, what is the purpose of "as approved by the SBE"? This language is not elsewhere in these Rules. Is it necessary here? If it is necessary, what is the process for a program to request approval? What criteria will be used in determining whether to approve a program. How does G.S. 115C-284.1 go with this "approval by the SBE"?*

*Please begin Items (1) and (2) with lower case letters; end (1) with a semi-colon and an "and" so that it reads "school; and"*

*Please confirm that this Rule complies with the requirements of G.S. 115C-284.1 and G.S. 116-74.21.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0390 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0390 SCHOOL ADMINISTRATOR PREPARATION PROGRAM REQUIREMENTS**

4 For the creation and implementation of a School Administrator Preparation Program, as approved by the State Board  
5 of Education, the following requirements shall be met:

6 (1) The program shall be jointly established by one or more institutions of higher education, not-for-  
7 profit entities, or for-profit entities, and a local education agency or nonpublic school.

8 (2) Each program shall offer curricula that address student learning and school improvement aligned  
9 with the North Carolina Standards for School Executives.

10  
11 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5 115C-284; 115C-284.1;

12 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

13 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0391

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*I assume that this Rule is specific to G.S. 115C-269.15(a)(2)?*

*(a)(1) appears to be unnecessary for purposes of this Rule. A March 2016 date has no applicability to this Rule, which was effective well after that date.*

*In (b), what does this mean? It appears as though this would lend itself to rulemaking outside of the rulemaking process. As such, please delete this Paragraph.*

*Please delete (c) as this repeats .0392.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



16 NCAC 06 C .0391 is proposed for adoption as follows:

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

(a) A student seeking admission to an Educator Preparation Program (EPP) shall be exempt from taking the Praxis assessment if he or she meets one of the following conditions:

(1) For SAT scores prior to March 2016:

(A) Individuals with a total SAT score of 1100 are exempt from Praxis Core testing requirements;

(B) Individuals with a total SAT score of less than 1100 but a score of at least 550 on the Verbal test are exempt from the Preprofessional Skills Tests in Reading and Writing; and

(C) Individuals with a total SAT score of less than 1100 but a score of at least 550 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.

(2) For SAT scores after March 2016:

(A) Individuals with a total SAT score of 1170 are exempt from Praxis Core testing requirements;

(B) Individuals with a total SAT score of less than 1170, but a score of at least 600 on the evidence-based reading and writing test are exempt from the Preprofessional Skills Tests in Reading and Writing; and

(C) Individuals with a total SAT score of less than 1170 but a score of at least 570 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.

(3) For ACT scores:

(A) Individuals with a composite ACT score of 24 or higher are exempt from Praxis Core testing requirements;

(B) Individuals with a composite ACT score of less than 24, but with a score of at least 24 on the English test are exempt from the Preprofessional Skills Tests in Reading and Writing; and

(C) Individuals with a composite ACT score of less than 24, but a score of at least 24 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.

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

(c) The passing scores for the Praxis assessment are established by the test vendor and approved by the State Board of Education.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.15;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0392

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 5, should "academic" be capitalized?*

*On line 6, I don't understand the cross-reference to .0390. This does not provide an exemption. Do you mean .0391?*

*On line 9, what is meant by "and approved by the SBE"? Is this really an approval process or does the SBE just adopt what is set by the test vendor? If it is an approval process, please provide the factors that the SBE will use in determining whether to accept a score.*

*Overall, please consider breaking this Rule into paragraphs for clarity purposes. A suggestion would be something like the following:*

- (a) For purposes of G.S. 115C-269.15, the preprofessional skills test shall be the Praxis Core academic Skills Educators Assessment.
- (b) Each student seeking admission to an Educator Preparation Program shall pass the Praxis Core Academic Skills Educators Assessment unless an exemption is permitted under G.S. 115C-269.15 or Rule .0391 of this Subchapter.
- (c) Passing scores for the Praxis assessment are established by the test vendor.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0392 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0392 TESTING REQUIREMENTS FOR ADMISSION TO AN EDUCATOR**  
4 **PREPARATION PROGRAM**

5 Students seeking admission to an Educator Preparation Program must pass the Praxis Core academic Skills for  
6 Educators assessment unless an exemption is permitted under G.S. 115C-269.15 or 16 NCAC 06C .0390 of this  
7 Subchapter. The Praxis assessment is a preprofessional skills test as specified in G.S. 115C-269.15 and established by  
8 the North Carolina State Board of Education. The passing scores for the Praxis assessment are established by the test  
9 vendor and approved by the State Board of Education.

10  
11 *History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.15;*

12 *Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

13 *Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0393

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Begin (1) through (4), including (1)(a) and (b) and (2)(a) and (b) with lower case letters.*

*End (1)(b) and (2)(b) with semi-colons.*

*Change the comma to a semi-colon at the end of (2)(a)*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0393 is proposed for adoption as follows:

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

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

(1) Instruction in the teaching of mathematics with attention to the following:

(a) Content, which includes number and operations, early algebra, measurement; and

(b) Pedagogical issues, which includes high quality tasks, classroom discourse, instructional moves.

(2) Instruction in evidence-based learning trajectories, how to identify what students are able to do, and what is needed to address their needs including:

(a) How to identify which mathematical concepts or skills students have and have not demonstrated, and

(b) How to plan for instruction based on student strengths and needs as determined by the evidence.

(3) Instruction in understanding the strengths and weaknesses of instructional supports and how to adapt and utilize mathematical resources to advance instruction; and

(4) Instruction in designing learning experiences to align with specific learning goals.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.20;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0394

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Generally, what is an innovative or experimental school administrator preparation program?*

*Please begin Items (1) through (5) with lower case letters; end (1) through (4) with semi-colons; and add an "and" at the end of (4) following the semi-colon.*

*Given the date in (b) is before the effective date of this Rule, please delete this Paragraph.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0394 is proposed for adoption as follows:

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

(a) Any existing Innovative or Experimental School Administrator Preparation Programs shall be reviewed by the Professional Educator Preparation and Standards Commission annually, which shall use the following standards:

(1) The program is organized and administered, showing a structure for the oversight and management of the program which ensures flexibility and accountability.

(2) The program provides documentation of human, fiscal, and physical resources.

(3) The program addresses the needs of the students.

(4) The program includes exit levels of competency, a procedure for recommending licensure, and a follow up process.

(5) The program has defined and measurable expected outcomes and results as measured by the annual Educator Preparation Program Report Card pursuant to G.S. 115-269.50.

(b) No new innovative or experimental school administrator preparation programs will be approved after July 1, 2017.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.35; 115C-269.50; 115C-284; 115C-284.1;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0395

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please begin Items (1) through (3) with lower case letters.  
What are the substantive requirements of the complaint form?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020



1 16 NCAC 06C .0395 is proposed for adoption as follows:

2 **16 NCAC 06C .0395 PROCESS FOR FILING A COMPLAINT AGAINST AN EDUCATOR**  
3 **PREPARATION PROGRAM (EPP)**

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

- 6 (1) Filling out and submitting the complaint form online;  
7 (2) Mailing a hard copy to the physical address on the form; or  
8 (3) Faxing a hard copy to the fax number on the form.

9  
10 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.55;

11 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

12 Emergency Rule Eff. August 20, 2019.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0396

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Do you need this Rule in light of G.S. 115-269.55(d)? Is the intent here to provide potential complainants some meaning to "contractual or commercial issues"? If so, please tie this Rule back to the statute and say something like "The SBE shall not mediate, arbitrate, or otherwise resolve any issue between an EPP and a student regarding contractual or commercial issues such as the following:*

*(1) Contractual arrangements with an EPP, such as...*

*If you need this Rule, please begin Items (1) through (4) with lower case letters.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0396 is proposed for adoption as follows:

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

The State Board of Education does not have jurisdiction over complaints against Educator Preparation Programs (EPPs) that relate to the following areas:

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

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.55;*

*Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);*

*Emergency Rule Eff. August 20, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0397

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Item (2), what is the citation for the Every Student Succeeds Act?*

*In Item (2), please consider deleting "which are essential for early career success in content instruction" This language appears unnecessary.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

1 16 NCAC 06C .0397 is proposed for adoption as follows:

2  
3 **16 NCAC 06C .0397 EDUCATOR PREPARATION PROGRAM COURSEWORK REQUIREMENTS**  
4 **FOR ALL PROGRAMS**

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

- 7 (1) The identification of academically or intellectually gifted children;  
8 (2) Evidence based practices as defined by the Every Student Succeeds Act, which are essential for  
9 early career success in content instruction;  
10 (3) The teaching of diverse populations of students; and  
11 (4) Classroom management.

12  
13 History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.10; 115C-269.20;  
14 Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
15 Emergency Rule Eff. August 20, 2019.  
16

## REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0701

**DEADLINE FOR RECEIPT: Friday, July 10, 2020**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Item (1), what is meant by "an officially called meeting"? Is there a cross-reference available?*

*In Item (2), would is meant by "permitted by law" and "as provided by law"?*

*In Item (3), do you need "an indication of"?*

*In Item (3), what general statute?*

*In Item (3), change "will" to "shall"*

*Please begin (4)(a) through (c) with lower case letters; end (4)(a) through (b) with semi-colons; and add an "and" after the semi-colon in (4)(a). Please do the same for (5) and (6).*

*In Item (5), what are the "laws of the State of North Carolina"*

*In (5)(c), please add "Rules of" before "the North Carolina..."*

*In Item (7), please add a comma after "earned leave"*

*In Item (13), what other laws may affect the contract?*

*Is the intent for Item (14) to be a part of contract? I'm guessing not, but as written, it must be. Would it make sense to make this a Paragraph (b)? This would change the numbering of the entire rule.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: July 1, 2020

16 NCAC 06C .0701 is proposed for adoption as follows:

**16 NCAC 06C .0701 MODEL EMPLOYMENT CONTRACT FOR TEACHERS**

All contracts between a local board of education, as defined in G.S. 115C-5(5), and a teacher, as defined in G.S. 115C-325.1(6), shall contain the following:

- (1) A statement that the contract is effective only if approved by a majority of the local board at an officially called meeting of the local board.
- (2) The term of the contract. Such term may be for any length permitted by law. At the conclusion of the contract term, the local board may, but is not required to, re-employ the teacher by offering the teacher a subsequent contract as provided by law.
- (3) An indication of the compensation that the teacher shall receive for professional services performed pursuant to the contract. Such compensation shall be at a rate consistent with the North Carolina General Statutes, the salary schedule for teachers established by the State of North Carolina, and any local supplement that may apply. If the teacher is to be paid from local funds, the compensation will be consistent with the local salary schedule adopted pursuant to G.S. 115C-302.1(h).
- (4) With respect to qualifications:
  - (a) The teacher's obligation to maintain a North Carolina teaching license valid for the teacher's area of assignment.
  - (b) The teacher's obligation to inform the local board's Human Resources Office in the event that the teacher's license is revoked, suspended, expired, or not renewed for any reason.
  - (c) A statement that the teacher is solely responsible for obtaining and maintaining the required licensure.
- (5) With respect to duties:
  - (a) A requirement that the teacher shall perform all duties assigned by the superintendent or superintendent's designee and required by the laws of the State of North Carolina.
  - (b) A statement that the contract does not give the teacher a right to any particular assignment or school site.
  - (c) A requirement that the teacher agrees to become familiar with and abide by the policies and practices of the local board and the North Carolina State Board of Education, and to abide by the laws of the State of North Carolina and the United States.
- (6) With respect to special duties:
  - (a) A statement that, if there are special duties or assignments for which the local board has agreed to compensate the teacher, those will be described in a separate agreement and the additional compensation will not be considered salary for the purpose of computing the teacher's salary under the provisions of G.S. 115C-325.1 et seq.
  - (b) A statement that any return to regular duties is not a demotion as defined by law.

- 1       (7)     A provision that explains the teacher’s entitlement to health care benefits, earned leave and such  
2             other benefits as are available pursuant to the laws of the State of North Carolina and the policies  
3             and practices of the local board.
- 4       (8)     Any requirements for termination of the contract initiated by the teacher pursuant to the provisions  
5             and procedures provided in G.S. 115C-325.1 et seq.
- 6       (9)     Any requirements for alteration or termination of the contract by the local board pursuant to the  
7             provisions and procedures provided in G.S. 115C-325.1 et seq.
- 8       (10)    With respect to modification, a statement that the contract is subject to modification as a result of  
9             subsequent legislative enactments.
- 10       (11)   With respect to severability, a statement that if any provision of the contract is held to be invalid or  
11            unenforceable, such provision shall be severed and shall be inoperative, and the remainder of the  
12            contract shall remain in full force and effect.
- 13       (12)    A statement indicating that the contract shall be governed by the laws of the State of North Carolina.
- 14       (13)    Any other provisions deemed necessary or appropriate by the parties, or as required by law.
- 15       (14)    The model teacher contract is found online on the Department of Public Instruction website.

16

17   History Note:            Authority G.S. 115C-12; Session Law 2013-360, Sec. 9.6(e);  
18                               Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b).  
19                               Emergency Rule Eff. August 20, 2019  
20