



PUBLIC SCHOOLS OF NORTH CAROLINA
STATE BOARD OF EDUCATION | WWW.NCPUBLICSCHOOLS.ORG

William W. Cobey, Jr.
Chairman
At-Large Member

A.L. Collins
Vice Chairman
District 5

Dan Forest
Lt. Governor

Janet Crowell
State Treasurer

Rebecca Taylor
District 1

Reginald Kenan
District 2

Kevin Howell
District 3

Olivia Oxendine
District 4

John Tate
District 6

Gregory Alcorn
District 7

Wayne McDavitt
District 8

Tricia Willoughby
At-Large Member

Marcella Savage
At-Large Member

SBE Office:
Martez Hill
Executive Director

March 17, 2014

Ms. Abigail M. Hammond
Counsel to the Rules Review Commission
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, North Carolina 27609-6285

Dear Ms. Hammond:

The State Board of Education has received the RRC's objection of the Model Teacher Contract Temporary Rule. We disagree with the objection and are considering our next course of action.

Sincerely,

William W. Cobey Jr.

WWC/llm

NORTH CAROLINA STATE BOARD OF EDUCATION

William W. Cobey Jr., *Chairman* | william.cobey@dpi.nc.gov

6302 Mail Service Center, Raleigh, North Carolina 27699-6302 | (919) 807-3401 | Fax (919) 807-3198

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

From: [Lou Martin](#)
To: [Hammond, Abigail M](#)
Cc: [Chalmers, Tammara](#); [Vojtko, Dana](#)
Subject: State Board of Education
Date: Monday, March 17, 2014 11:38:38 AM
Attachments: [Cobey Objection Letter MTC OAH 3.17.2014.pdf](#)

Abby,

Please see Chairman Cobey's response to your email dated February 21, 2014 --
Emailing: 2014.02 State Board of Education Objection letter.

We will also hand-deliver a copy to your office today.

Lou Martin
State Board of Education
919-807-3658

Visit us on the web at www.ncpublicschools.org. All e-mail correspondence to and from this address is subject to the North Carolina Public Records Law, which may result in monitoring and disclosure to third parties, including law enforcement.

From: Hammond, Abigail M
To: ["william.cobey@dpi.nc.gov"](mailto:william.cobey@dpi.nc.gov)
Cc: katie.cornetto@dpi.nc.gov; [Vojtko, Dana](#); [Chalmers, Tammara](#)
Subject: RE: Emailing: 2014.02 State Board of Education Objection Letter
Date: Thursday, March 13, 2014 10:13:00 AM
Attachments: [2014.02 State Board of Education Objection Letter.pdf](#)

Good morning,

On behalf of the Rules Review Commission, I wanted to reach out to the State Board of Education to follow up on the February 21, 2014 letter. The letter, attached for your convenience, indicates that the Board may respond to the Commission's action in accordance with G.S. 150B-21.1(b1) or (b2).

http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_150B/GS_150B-21.1.html Please indicate whether the Board has chosen an action at this time, and if so, the chosen action. The Rules Review Commission's next regularly scheduled meeting is Thursday, March 20, 2014 at 10:00 am.

Thank you in advance for your time and attention to this matter.

Sincerely,
Abigail M. Hammond

*Abigail M. Hammond
Counsel to the Rules Review Commission
Office of Administrative Hearings
Direct Dial: (919) 431-3076*

Notice: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

From: Hammond, Abigail M
Sent: Friday, February 21, 2014 12:37 PM
To: 'william.cobey@dpi.nc.gov'
Cc: katie.cornetto@dpi.nc.gov; [Vojtko, Dana](#); [Chalmers, Tammara](#)
Subject: Emailing: 2014.02 State Board of Education Objection Letter

Good afternoon Chairman Cobey,

Please see the attached letter to provide notice of the Rule Review Commission's determination that the statement of the Board's finding of need for temporary rule making does not meet the criteria of 150B-21.1(a) for the adopted rule. Please respond to confirm receipt of this email.

If you have any specific questions or concerns, please do not hesitate to contact me.

Sincerely,
Abigail M. Hammond

Abigail M. Hammond
Counsel to the Rules Review Commission
Office of Administrative Hearings
Direct Dial: (919) 431-3076

Notice: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

The message is ready to be sent with the following file or link attachments:

2014.02 State Board of Education Objection Letter

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

February 21, 2014

Via Email Only: william.cobey@dpi.nc.gov

William W. Cobey, Jr., Chairman
N.C. State Board of Education
6302 Mail Service Center
Raleigh, North Carolina 27699-6302

Re: 16 NCAC 06C .0701

Dear Chairman Cobey:

At the February 20, 2014 meeting of the Rules Review Commission, the Commission reviewed the one temporary rule filed by the N.C. State Board of Education on February 19, 2014. The Findings of Need form filed indicates that 16 NCAC 06C .0701, Model Teacher Contract, was adopted by the Board on February 6, 2014. The Commission declined to approve the above-captioned temporary rule based on the failure to comply with the Administrative Procedure Act (APA) in accordance with G.S. 150B-21.1(a) and 150B-21.9.

The findings of need for the rule states that the temporary rule was required by the Session Law 2013-360, Section 9.6(e) that states the following:

SECTION 9.6.(e) The State Board of Education shall develop by rule as provided in Article 2A of Chapter 150B of the General Statutes a model contract for use by local boards of education in awarding teacher contracts. The State Board may adopt a temporary rule for a model contract as provided in G.S. 150B-21.1 to provide a contract to local boards of education no later than January 1, 2014, but shall replace the temporary rule with a permanent rule as soon as practicable.

The Commission disapproved the above-captioned rule because the adoption date was after January 1, 2014 and therefore, the N.C. State Board of Education lacked the statutory authority for temporary rule making. Furthermore, the Commission expressed concerns that

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

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

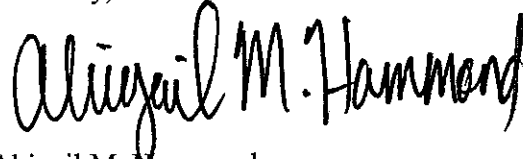
Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

the temporary rule did not contain a model contract for use by local boards of education.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Commission's action, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Abigail M. Hammond". The signature is written in a cursive, flowing style.

Abigail M. Hammond
Commission Counsel

Enclosure: Filing for 16 NCAC 06C .0701

cc: Katie Cornetto, Rule-making Coordinator – katie.cornetto@dpi.nc.gov

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: NC State Board of Education

RULE CITATION: 16 NCAC 06C .0701

RECOMMENDED ACTION:

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

COMMENT:

It is staff's recommendation that the Commission object to the temporary rule filed by the State Board of Education, as the Board filed to comply with Session Law 2013-360, Section 9.6(e).

Failure to comply with Session Law 2013-360, Section 9.6(e):

The statute requires the following:

SECTION 9.6.(e) The State Board of Education shall develop by rule as provided in Article 2A of Chapter 150B of the General Statutes a model contract for use by local boards of education in awarding teacher contracts. The State Board may adopt a temporary rule for a model contract as provided in G.S. 150B-21.1 to provide a contract to local boards of education no later than January 1, 2014, but shall replace the temporary rule with a permanent rule as soon as practicable.

The legislation is very specific in stating that the Board "may adopt a temporary rule" but that such rule should be "no later than January 1, 2014." The Findings of Need for this Rule indicates that the Rule was

Abigail M. Hammond
Commission Counsel

adopted on February 6, 2014. This is outside of the statutory deadline of January 1, 2014. Based upon the legislative directive, it is staff's opinion that the Board's exclusive rule making authority at this stage is to promulgate and adopt a permanent rule "as soon as practicable."

Summary:

Staff is concerned that should the Commission review and approve this temporary rule, the Commission would be violating the plain language of Session Law 2013-360, Section 9.6(e). It is staff's opinion that the temporary rule filed by the Board for 16 NCAC 06C .0701 should be objected to by the Commission for lack of statutory authority.¹

¹ Please see the attached email from December 12, 2013, providing notice to the State Board of Education that the timeline for this temporary rule would likely not comply with Session Law 2013-360, Section 9.6(e). No additional information has been provided at this time.

From: [Reeder, Amanda J](#)
To: [Hammond, Abigail M](#)
Cc: [Reeder, Amanda J](#)
Subject: FW: SBE "propose" temporary rule
Date: Monday, February 10, 2014 10:03:12 AM

FYI

From: Masich, Molly
Sent: Thursday, December 12, 2013 12:59 PM
To: (KCORNETTO@DPI.STATE.NC.US); lou.martin@dpi.nc.gov
Cc: Vojtko, Dana; Reeder, Amanda J
Subject: SBE "propose" temporary rule

Lou,
I want to follow up and confirm our phone conversation.

I called you because I was concerned that the initial submission forms for the proposed temporary rule included dates that were well beyond the requirements in the temporary rulemaking process set out in GS 150B-21.1.

After several minutes on the phone, we were able to determine that some of our confusion with the dates on the form was because you sent two forms [Word and PDF] with different dates. Based on this conversation, I want to confirm that we are in agreement that this rule will be posted on the OAH website no later than December 19, the comment period will begin December 19 and end January 15 [15 business days], and that the Board cannot take final action to adopt the temporary rule before 5pm on January 30.

It's my understanding that you talked with Amanda Reeder earlier today and she expressed to you her concern that the legislation set a deadline of January 1 for the Board to "adopt" a temporary rule. Based on today's submission, the Board cannot adopt prior to 5pm on January 30. As Ms. Reeder said to you, this is her opinion of the statutory language but the agency is free to present more information to the Commission and its staff than you have presented thus far to support the justification for a temporary rule.

I hope you will find this email helpful as you proceed with the temporary rulemaking process. As always, if you have any questions or concerns, please let us know.

*Molly Masich
Codifier of Rules
Office of Administrative Hearings
919-431-3071*

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0701

DEADLINE FOR RECEIPT: Wednesday, February 19, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Line 8, delete the comma after "contract" and the phrase "such term" so that the sentence reads "The term of the contract may..."

Line 9, delete the comma after "may" and delete "but is not required to," so that the sentence reads "may re-employ..."

Line 10, delete "as provided by law."

Line 12, delete "pursuant to the contract."

Line 14, add "applicable" between "any local" and delete "that may apply."

Lines 17, 25, and 32, delete the phrase "With respect to" and replace that phrase with "Statements Regarding"

Line 17, add "license" before "qualifications"

Lines 18, thru 22, begin the sentences with lower case letters

Line 19, replace the period with a semicolon

Line 21, replace the period with a semicolon and add "and" at the end of the line

Line 25, delete "A requirement"

Line 26, replace the period with a semicolon

Line 27, delete "A statement"

Line 28, replace the period with a semicolon and add "and" at the end of the line

Lines 29 thru 31, who is providing this information to the teachers or how can they find the correct information? Is one being handed to the teacher by the school? Is a current copy maintained on your website?

Line 33, delete "A statement"

Line 28, replace the period with a semicolon and add "and" at the end of the line

Page 2, line 1, add a comma after "leave"

Page 2, lines 4 thru 7 reference statues concerning termination. Is there not a more specific citation?

Page 2, line 8, delete "With respect to modification," and capitalize the "a"

Page 2, line 10, delete "With respect to severability," and capitalize the "a"

Page 2, line 15, this Rule contains an exhaustive list. The legislative authority was fairly narrow. What additional information could be "deemed necessary or as required by law."?

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



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

ORIGINAL

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina State Board of Education

2. Rule citation & name: 16 NCAC 06C .0701 Model Teacher Contract

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☐ Yes ☒ No Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: 12/12/2013

b. Proposed Temporary Rule published on the OAH website: 12/17/2013

c. Public Hearing date: 1/15/2014

d. Comment Period: 12/19/2013 – 1/15/2014

e. Notice pursuant to G.S. 150B-21.1(a3)(2): 12/17/2013

f. Adoption by agency on: 2/6/2014

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B-21.1(b) and G.S. 150B-21.3]: February 1, 2014

h. Rule approved by RRC as a permanent rule: N/A

FILED
2014 FEB 19 PM 1:24
OFFICE OF
ADMIN HEARING

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☐ A serious and unforeseen threat to the public health, safety or welfare.
- ☒ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2013-360, Section 9.6(e)
Effective date: 7/1/2013
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

Explain:

The State Board of Education was mandated by Session Law 2013-360, Section 9.6(e) to develop, by rule, a model teacher contract for use by local boards of education in awarding teacher contracts. Pursuant to S.L. 2013-360, Section 9.6(e), the State Board may adopt a temporary rule for a model contract and provide it to local boards no later than January 1, 2014, but shall replace the temporary rule with a permanent rule as soon as practicable. This law went into effect on July 1, 2013. The State Board has begun the permanent rule-making process.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The temporary rule is necessary for three reasons. The first is to comply with the law. S.L. 2013-360, Sec. 9.6(e) required the State Board of Education to develop, by rule, a model teacher contract for use by local boards of education in awarding teacher contracts. The law gave the State Board the option of adopting a temporary rule for the model contract to provide to local boards by January 1, 2014 and to adopt a permanent rule as soon as practicable.

Second, the temporary rule will provide local boards with needed certainty. Pursuant to G.S. 115C-325.3, all local boards of education will soon be required to place teachers on one, two, or four-year contracts. Under S.L. 2013-360, Sec. 9.6(f) and (g), these contracts begin with the 2014-2015 school year. Local boards will be relying on the Model Teacher Contract rule when drafting these contracts, many of which will be entered into as early as June of 2014.

Third, the temporary rule will provide for efficient use of local board resources and money. Once published, the rule will require all contracts between local boards and teachers to include the terms contained in the Model Teacher Contract rule. Any nonconforming contracts will need to be amended by the LEA in order to comply with the rule. Local boards will already have to pay legal fees for the initial drafting of their contracts. Immediate adoption of the temporary rule will prevent them from having to pay additional legal fees in the event that amendments are necessary.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator: Katie G. Cornetto

Phone: 919-807-3406


E-Mail: katie.cornetto@dpi.nc.gov

Agency contact, if any: Lou Martin

Phone: 919-807-3658

E-Mail: lou.martin@dpi.nc.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: William W. Cobey

Title: Chairman, NC State Board of Education

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

ORIGINAL

(d) If a superintendent intends to recommend to the local board of education that the school administrator be offered a new, renewed, or extended contract, the superintendent shall submit the recommendation to the local board for action. The local board may approve the superintendent's recommendation or decide not to offer the school administrator a new, renewed, or extended school administrator's contract.

If a superintendent decides not to recommend that the local board of education offer a new, renewed, or extended school administrator's contract to the school administrator, the superintendent shall give the school administrator written notice of his or her decision ~~and the reasons for his or her decision~~ no later than May 1 of the final year of the contract. The superintendent's reasons may not be arbitrary, capricious, discriminatory, personal, or ~~political-political, or prohibited by State or federal law~~. No action by the local board or further notice to the school administrator shall be necessary unless the school administrator files with the superintendent a written request, within 10 days of receipt of the superintendent's decision, for a hearing before the local board. Failure to file a timely request for a hearing shall result in a waiver of the right to appeal the superintendent's decision. If a school administrator files a timely request for a hearing, the local board shall conduct a hearing pursuant to the provisions of G.S. 115C-45(c) and make a final decision on whether to offer the school administrator a new, renewed, or extended school administrator's contract.

If the local board decides not to offer the school administrator a new, renewed, or extended school administrator's contract, the local board shall notify the school administrator of its decision by June 1 of the final year of the contract. A decision not to offer the school administrator a new, renewed, or extended contract may be for any cause that is not arbitrary, capricious, discriminatory, personal, or ~~political-political, or prohibited by State or federal law~~. ~~The local board's decision not to offer the school administrator a new, renewed, or extended school administrator's contract is subject to judicial review in accordance with Article 4 of Chapter 150B of the General Statutes.~~

(e) Repealed by Session Laws 1995, c. 369, s. 1.

(f) If the superintendent or the local board of education fails to notify a school administrator by June 1 of the final year of the contract that the school administrator will not be offered a new school administrator's contract, the school administrator shall be entitled to 30 days of additional employment or severance pay beyond the date the school administrator receives written notice that a new contract will not be offered.

(g) ~~If, prior to appointment as a school administrator, the school administrator held career status as a teacher in the local school administrative unit in which he or she is employed as a school administrator, a school administrator shall retain career status as a teacher if the school administrator is not offered a new, renewed, or extended contract by the local board of education, unless the school administrator voluntarily relinquished that right or is dismissed or demoted pursuant to G.S. 115C-325.~~

(h) An individual who holds a provisional assistant principal's certificate ~~license~~ and who is employed as an assistant principal under G.S. 115C-284(c) shall be considered a school administrator for purposes of this section. Notwithstanding subsection (b) of this section, a local board may enter into one-year contracts with a school administrator who holds a provisional assistant principal's certificate ~~license~~. ~~If the school administrator held career status as a teacher in the local school administrative unit prior to being employed as an assistant principal and the State Board for any reason does not extend the school administrator's provisional assistant principal's certificate, the school administrator shall retain career status as a teacher unless the school administrator voluntarily relinquished that right or is dismissed or demoted under G.S. 115C-325. Nothing in this subsection or G.S. 115C-284(c) shall be construed to require a local board to extend or renew the contract of a school administrator who holds a provisional assistant principal's certificate.~~

SECTION 9.6.(e) The State Board of Education shall develop by rule as provided in Article 2A of Chapter 150B of the General Statutes a model contract for use by local boards of education in awarding teacher contracts. The State Board may adopt a temporary rule for a model contract as provided in G.S. 150B-21.1 to provide a contract to local boards of education no later than January 1, 2014, but shall replace the temporary rule with a permanent rule as soon as practicable.

SECTION 9.6.(f) G.S. 115C-325(c)(1) through (c)(3) and G.S. 115-325(c)(5) and (c)(6) are repealed effective August 1, 2013. Individuals who have not received career status prior to the 2013-2014 school year shall not be granted career status during the 2013-2014

16 NCAC 06C .0701 Model Teacher Contract is adopted under temporary procedures as follows:

16 NCAC 06C .0701 MODEL TEACHER CONTRACT

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, 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 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.
 - (b) A statement that any return to regular duties is not a demotion as defined by law.

ORIGINAL

- 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
11 or unenforceable, such provision shall be severed and shall be inoperative, and the remainder of
12 the 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
14 Carolina.
- 15 (13) Any other provisions deemed necessary or as required by law.

16
17 History Note: Authority S.L. 2013-360, Sec. 9.6(e);

18 Temporary Adoption Eff. February 1, 2014.

From: Hammond, Abigail M
To: ["Lou Martin"](#)
Cc: [Jason Weber](#); [Katie Cornetto](#)
Subject: RE: Temporary Rule 16 NCAC 06C .0701
Date: Tuesday, February 18, 2014 3:49:00 PM

Good afternoon,

This email is to confirm that the Rules Review Commission did not receive the completed form. Therefore the proposed rule is not calendared on the agenda for the meeting this Thursday.

Sincerely,
Abby Hammond

*Abigail M. Hammond
Counsel to the Rules Review Commission
Office of Administrative Hearings
Direct Dial: (919) 431-3076*

Notice: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

From: Lou Martin [mailto:lou.martin@dpi.nc.gov]
Sent: Monday, February 10, 2014 11:28 AM
To: Hammond, Abigail M
Cc: Jason Weber; Katie Cornetto
Subject: RE: Temporary Rule 16 NCAC 06C .0701

Ms. Hammond,

Thank you for following up on the State Board of Education's Temporary Rule pertaining to the Model Teacher Contract. Dana Vojtko did call on Friday to discuss the need for Chairman Cobey's signature on the Temporary Rule form. Chairman Cobey will in Raleigh today and our plans are to have him sign the form at that time and get it to you as soon as possible.

Lou Martin
State Board of Education
919-807-3658

From: Hammond, Abigail M <abigail.hammond@oah.nc.gov>
Sent: Monday, February 10, 2014 11:04 AM
To: Katie Cornetto; Lou Martin
Cc: Vojtko, Dana
Subject: Temporary Rule 16 NCAC 06C .0701

Good morning,

It is my understanding that Dana Vojtko spoke with Lou Martin last week to indicate that the filing form for the temporary rule 16 NCAC 06C .0701 is incomplete. The form is signed by Ms. Cornetto, and is accompanied by a letter referencing G.S. 143B-10(a). A review of G.S. 143B does not reflect the inclusion of the State Board of Education. Therefore, the function cannot be delegated under G.S. 143B-10(a) and the form must be signed by the agency head, the Chairman Mr. William Cobey. Since the form is part of the filing of a temporary rule, the filing is not complete at this time and not deemed filed until the completed form is received by RRC. Please indicate when you expect to file the completed form.

Thank you for your time and attention to this matter. I will attempt to allot some time to review the rule prior to filing the completed form, but please note that no feedback will be provided until the completed form is received.

Sincerely,
Abby Hammond

Abigail M. Hammond
Counsel to the Rules Review Commission
Office of Administrative Hearings
Direct Dial: (919) 431-3076

Notice: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

Visit us on the web at www.ncpublicschools.org. All e-mail correspondence to and from this address is subject to the North Carolina Public Records Law, which may result in monitoring and disclosure to third parties, including law enforcement.