

## Burgos, Alexander N

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**Subject:** FW: REMINDER: Important dates for your agency's rules

**From:** Katie Cornetto [<mailto:Katie.Cornetto@dpi.nc.gov>]

**Sent:** Monday, February 08, 2016 1:53 PM

**To:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Cc:** Robert Orr <[bob@csedlaw.com](mailto:bob@csedlaw.com)>; Drew Erteschik <[DErteschik@poynerspruill.com](mailto:DErteschik@poynerspruill.com)>; Reeder, Amanda J <[amanda.reeder@oah.nc.gov](mailto:amanda.reeder@oah.nc.gov)>; Hammond, Abigail M <[abigail.hammond@oah.nc.gov](mailto:abigail.hammond@oah.nc.gov)>; May, Amber Cronk <[amber.may@oah.nc.gov](mailto:amber.may@oah.nc.gov)>; Thomas, Jason S <[jason.thomas@oah.nc.gov](mailto:jason.thomas@oah.nc.gov)>; Brincefield, Julie <[julie.brincefield@oah.nc.gov](mailto:julie.brincefield@oah.nc.gov)>; Masich, Molly <[molly.masich@oah.nc.gov](mailto:molly.masich@oah.nc.gov)>

**Subject:** Re: REMINDER: Important dates for your agency's rules

Mr. Burgos,

Given the Superior Court's July 2, 2015 order in *State Board of Education v. Rules Review Commission*, 14-CVS-14791 (Wake County Superior Court), the Board of Education will not be making a filing with the Rules Review Commission.

Sincerely,

Katie G. Cornetto  
NC State Board of Education Attorney  
919-807-3406

On Dec 15, 2015, at 6:58 AM, "Burgos, Alexander N" <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)> wrote:

Good morning:

This email is to serve as a reminder that the following portions of the North Carolina Administrative Code are scheduled for the Rules Review Commission to review the agency's report in **April 2016**:

**16 NCAC 01**  
**16 NCAC 02**  
**16 NCAC 03**

**The filing deadline for the report is March 15, 2016.**

Please remember that the following steps must be taken prior to **March 15, 2016**.

1. The rulemaking body, the Board, Commission, or agency head, must make initial determinations.
2. G.S. 150B-21.3A(c)(1) requires the agency to file the report on its website and the OAH website for 60 days and accept public comments during that time.
3. At the close of the 60 day comment period, the Board, Commission or agency head must review all comments received, prepare a response to put in the report for each public comment, and make a final determination for each rule.

**If your agency does not complete the process and submit a final report by March 15, 2016 , all rules in the report will automatically expire at the meeting the following month. The agency's rules will be removed from the North Carolina Administrative Code. Further, G.S. 150B-21.3A requires the Rules Review Commission to report any agency that fails to conduct the review to the General Assembly's Joint Legislative Administrative Procedure Oversight Committee.**

If your agency cannot complete the posting and review requirements of G.S. 150B-21.3A by **March 15, 2016**, you may request a waiver of the deadlines pursuant to Rule 26 NCAC 05 .0204. The Rules Review Commission will schedule the waiver request on an upcoming agenda for review.

If your report is ready to be posted, please submit the report and the filing form to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). This will ensure that the report is forwarded to the correct people for posting. You will receive an automatic reply that your email has been received. If you do not receive a reply, please contact the Rules Division.

If you have any questions or concerns, please let me know. In addition, please feel free to review the Rules Review Commission's website on the existing rules review process at <http://www.ncoah.com/rules/H74PeriodicReviewandExpirationofRules.html> for more information to assist you in the process.

Thank you,  
Alex

**Alexander Burgos**  
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(919) 431-3080  
[Alexander.burgos@oah.nc.gov](mailto:Alexander.burgos@oah.nc.gov)

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**G.S. 150B-21.3A Report for 16 NCAC Chapter 01, DEPARTMENTAL RULES**

Agency - State Board of Education

Comment Period - Filled in by Agency

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 1A - ORGANIZATIONAL RULES	16 NCAC 01A .0101	DEFINITIONS	Amended Eff. April 1, 1997		Select One	Select One		Select One	Select One
	16 NCAC 01A .0104	PERSONNEL ALLOTMENTS	Eff. July 1, 1986		Select One	Select One		Select One	Select One
	16 NCAC 01A .0105	SALARY SCHEDULES	Eff. July 1, 1986		Select One	Select One		Select One	Select One
	16 NCAC 01A .0106	PETITIONS FOR RULE-MAKING	Eff. July 1, 1993		Select One	Select One		Select One	Select One