



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

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February 26, 2013

Dedra Alston
2201 Mail Service Center
Raleigh, NC 27699-2201

Re: 10A NCAC 09 .3004

Dear Ms. Alston:

At its February 21, 2013 meeting the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to this rule based on lack of statutory authority. There is no authority to prohibit a “religious sponsored child care facility” from offering religious instruction. G.S. 110-88.1 specifically forbids “the State to determine the training or curriculum offered in any religious-sponsored child care facility.”

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission’s action, please let me know.

Sincerely,

Joseph J. DeLuca, Jr.
Commission Counsel

JJD:jbe

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1 **10A NCAC 09 .3004 has been adopted with changes as published in 26:23 NCR 1890 as follows:**

2

3 **10A NCAC 09 .3004 RELIGIOUS ACTIVITIES**

4 ~~Activities, instruction, or communications,~~ Activities or instruction which promote religious ~~beliefs,~~ beliefs shall not
5 be directed toward children participating in the NC Pre-K program during the 6 1/2 to 10 hour NC Pre-K ~~day.~~ day,
6 as designated by the provider.

7

8 *History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, ~~s.10.7(a);~~ s.10.7(a), (b), (d);*

9

Eff. March 1, 2013.