

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06D .0508

DEADLINE FOR RECEIPT: Friday, March 14, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

I am not entirely sure how this process is meant to work. The General Assembly instructed the State Board in G.S. 115C-83.7(a) to require retaining students who fail to demonstrate reading proficiency. Paragraph (a) of the Rule delegates creating policies to carry out the retention in G.S. 115C- 83.7 to the LEAs. Why are you doing this, rather than setting the policy for the LEAs to follow in the Rule? Is it due to variations across LEAs, and concerns regarding intruding into their statutory authority?

In addition, the language in Paragraph (a) states that the SBE is allowing LEAs to set individual policies that are not subject to any guidance from the SBE. If that is the intent, then why is Paragraph (a) necessary? As I read it, the Paragraph seems to really only say "Follow the law."

If you want to keep Paragraph (a), do you not also want the LEAs to carry out 115C-83.8? [Of course, with the understanding that the LEA cannot take the authority given to the SBE in 83.8(c).] I know that the State Board opined last month that G.S. 115C-83.8 is prescriptive, so the Board does not need to tell LEAs to follow the law. However, G.S. 115C-83.7 is also very prescriptive: 83.7(c) tells the superintendent exactly how to determine the exemptions in 83.7(b).

On line 7, state G.S. 115C-83.7 and 83.8.

In the History Note, separate the citations by semicolons, not commas. Do not state "and"; just list the citations.

You list the effective date of the Rule as February 1, 2014; however, please note that the effective date for the Rule will be after Commission approval and no earlier than March 1.

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

Amanda J. Reeder
Commission Counsel

Date submitted to agency: February 27, 2014

1 16 NCAC 06D .0508 is adopted as published in 28 NCR 6, 532, with changes, as follows:

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3 **16 NCAC 06D .0508 NC GENERAL ASSEMBLY'S READ TO ACHIEVE PROGRAM**

4 (a) Local education agencies (LEAs) shall enact third grade retention and promotion policies consistent with G.S.
5 115C-83.1, 83.3, and 83.7.

6 (b) Pursuant to ~~G.S. 115C-83.3(2)~~ G.S. 115C-83.3(2), LEAs shall use the Read to Achieve test as the alternative
7 assessment in connection with G.S. 115C-83.7, 83.8.

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9 *History Note: Authority G.S. 115C-83.1, 83.3, 83.7 and 83.8;*

10 *Eff. February 1, 2014*

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Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0203

DEADLINE FOR RECEIPT: Friday, March 14, 2014

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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

On line 7, I suggest ending the sentence “outside peer review or audit by the North Carolina Department of Public Instruction (NCDPI).” This makes it clear that the NC DPI is the peer you are contemplating. Although, is DPI the peer of a school or district? And throughout the rest of the Rule, you refer only to a review. It seems it would it be better to state “outside review by the NCDPI.” on line 7.

If you do make the change on line 7, then change the language on line 12 to simply “NCDPI”

In Paragraph (c), line 16, change “will” to “shall”

In (c)(2), line 18, why not just state “graders who graduate high school”? That seems much clearer to me, as you do mean graduation is the successful completion.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2014

1 16 NCAC 06G .0203 High School Accreditation Framework is adopted as published in 28 NCR 6, 532–33, with
2 changes, as follows:

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4 **16 NCAC 06G .0203 HIGH SCHOOL ACCREDITATION FRAMEWORK**

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6 (a) The High School Accreditation Framework is the process whereby public schools or school districts (~~public and~~
7 ~~private~~) undergo a quality assurance process that includes ~~self-reflection and~~ outside peer review or audit.

8 (b) The ~~processes~~ process to request an accreditation review and determine high school accreditation is as follows:
9 ~~includes the following:~~

10 (1) The district superintendent shall make the request in writing and submit it to the SBE; ~~for an~~
11 accreditation review;

12 (2) The North Carolina Department of Public Instruction (NCDPI) shall conduct the review using
13 three years of data;

14 (3) The NCDPI shall provide findings to the SBE, and the SBE shall make a decision; and

15 (4) The LEA shall be notified of the SBE decision.

16 (c) The NCDPI will use the following indicators to conduct its accreditation review:

17 (1) The school's performance composite;

18 (2) The cohort graduation rate, which is the percentage of ninth graders who successfully complete
19 high school within the same four-year period; and

20 (3) Factors of post-secondary readiness measures, including:

21 (A) successful completion of Mathematics III; ~~Algebra II/Integrated Mathematics III;~~

22 (B) ACT, a college readiness assessment; and

23 (C) WorkKeys, a career readiness assessment.

24 (d) Accreditation shall be valid for five years.

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27 ~~(1) The NCDPI will use the school's performance composite and other indicators, such as the cohort~~
28 ~~graduation rate and post secondary readiness measures to determine high school accreditation.~~
29 ~~The cohort graduation rate is the percentage of ninth graders who successfully complete high~~
30 ~~school within the same four year period. Factors of post secondary readiness measures include:~~

31 ~~(a) successful completion of Algebra II/Integrated Mathematics III,~~

32 ~~(b) ACT, a college readiness assessment; and~~

33 ~~(c) WorkKeys, a career readiness assessment.~~

34 ~~(2) The district superintendent must request a high school accreditation review:~~

35 ~~(a) The district superintendent submits a request to the SBE for an accreditation review.~~

36 ~~(b) The NCDPI conducts the review using three years of data.~~

37 ~~(c) The NCDPI provides findings to the SBE.~~

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~~(d) — The LEA is notified of the SBE decision.~~

~~(e) — If the school(s) meets acceptable levels of quality, the accreditation is valid for five years.~~

*History Note: Authority G. S. 115C-12(39); N.C. Const. Art. IX, Sect 2 and 5;
Eff. February 1, 2014*

Amanda J. Reeder
Commission Counsel
Date submitted to agency: February 27, 2014