

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: Both Rules

DEADLINE FOR RECEIPT: Friday, February 7, 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:

On the Submission for Permanent Rule forms on Item 6, the date for publication is incorrect. These rules were published in the September 16, 2013 Register. Please correct the date.

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06D .0508

DEADLINE FOR RECEIPT: Friday, February 7, 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:

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?

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).]

In (b), insert a comma after "G.S. 11C-83.3(2)"

In (b), where is the "Read to Achieve" test found? How will your regulated public access it?

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0504

DEADLINE FOR RECEIPT: Friday, February 7, 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:

Section .0500 of Subchapter 06G is "Charter Schools." Do you intend for this Rule to only apply to charter schools, or was this placement in the Code inadvertent?

This Rule would read much better if it were divided into three paragraphs. Paragraph (a) could retain the language defining the framework. Paragraph (b) would begin with something like "The process to request the review is as follows." Paragraph (c) would then state "The NCDPI will review the following information, while shall be used by the SBE to determine whether to grant accreditation:"

On line 6, why is "High School Accreditation Framework" capitalized?

On line 6, are you saying that the accreditation will be of entire school districts? Is it your interpretation of G.S. 115C-12(39) that by evaluating "schools in local school administrative units" it can review all schools in district?

I note that G.S. 115C-5(6) defines "local school administrative unit" as:

(6) "Local school administrative unit" means a subdivision of the public school system which is governed by a local board of education. It may be a city school administrative unit, a county school administrative unit, or a city-county school administrative unit.

Does this definition include private schools? I am not sure of the interplay of authority between the State Board of Education and the Department of Administration's Division of Non-public Education, so I would like some information on how the SBE can do this for private schools.

Further, as the language in line 6 currently reads, are there actually private school districts? Or do you mean to state "accreditation of public or private schools or public school districts"?

On line 7, what do you mean by "self-reflection" and "outside peer review or audit"? Who is the outside peer reviewer or auditor? Is it DPI?

This Rule includes no guidance to how the self-reflection or outside peer review will work. All it states is what DPI will use in its review. Where is the guidance for the school or district regarding self-reflection or outside peer review?

Amanda J. Reeder
Commission Counsel

On line 7, I believe it should state, "The process to request..."

On line 9, you use "NCDPI" but that is not used anywhere else in the Subchapter, so please spell out what that means and then insert "(NCDPI)" after it the first time the name is used.

On line 9, replace "will" with "shall"

G.S. 115C-12(39) states:

§ 115C-12. Powers and duties of the Board generally.

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish policy for the system of free public schools, subject to laws enacted by the General Assembly. The powers and duties of the State Board of Education are defined as follows:

(39) Power to Accredite Schools. - Upon the request of a local board of education, the State Board of Education shall evaluate schools in local school administrative units to determine whether the education provided by those schools meets acceptable levels of quality. The State Board shall adopt rigorous academic standards for accreditation after consideration of (i) the standards of regional and national accrediting agencies, (ii) the Common Core Standards adopted by the National Governors Association Center for Best Practices and the Council of Chief State School Officers, and (iii) other information it deems appropriate.

The local school administrative unit shall compensate the State Board for the actual costs of the accreditation process.

Are the rigorous academic standards for accreditation what is reflected in current Item 1?

On line 9, I take it your regulated public knows what "performance composite" means? And "post-secondary readiness measures"? I know you list the factors, but does the term itself have a meaning? And is it for individuals, or the school population as whole? In other words, will DPI look at the overall successful completion of Algebra II/ Integrated Mathematics III by each 9th, 10th, 11th and 12th grade class per year?

When you refer to "successful" completion of high school, do you mean graduation? Or is it intended to include individuals who graduate early or quit school to take the GED? If you mean graduation in four years, why not just say that?

Item 1 is very jumbled as written. I also think it would make more sense if it were at the end of the Rule. Why not state something like:

(c) The NCDPI will review the following information, while shall be used by the SBE to determine whether to grant accreditation:

- 1. The school's composite performance;*
- 2. The cohort graduation rate, which is the percentage of ninth graders....*
- 3. Post-secondary readiness measures, as evidenced by the following factors:*

As written, you need to end line 13 with a semicolon, not a comma.

Amanda J. Reeder
Commission Counsel

On line 14, are you referring to the standardized test, "ACT" or does that term have a different meaning? Does your regulated public know this? Similarly, what is "WorkKeys", and does your regulated public know this?

In current Item 2, don't mix tenses (line 16, "must request" and line 17 "submits..."). Instead, state, "The district superintendent shall submit..." and "NCDPI shall conduct..."

Again, I recommend a Paragraph to make it clear the process to request an accreditation review is as follows:

- 1. The District Superintendent shall make the request and submit it to SBE...*

As currently written, lines 16 and 17 seem repetitive. Just combine them, as reflected above.

Does the request from the superintendent need to be in writing? Or will any request suffice?

Are there timeframes for this review by the DPI and SBE?

Add that the SBE will make a decision in the language in Sub-Item 2(c).

Sub-Item 2(e) does not belong where it is placed. Instead, state this information with Paragraph (a) or make it its own Paragraph. Further, I take it accreditation is good for five years if granted? If so, then remove the first eight words and just state, "Accreditation shall be valid for five years."

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