

## Burgos, Alexander N

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**Subject:** FW: [External] Re: Board of Education RFC for May 2026  
**Attachments:** Education RFC May 26 (Agency responses).docx; 16 NCAC 06G .0303 (Definitions).docx; 16 NCAC 06G .0318 (Restart Model).docx

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**From:** Ryan Collins <Ryan.Collins@dpi.nc.gov>  
**Sent:** Wednesday, May 20, 2026 2:48 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>; Taranto, Michael <Michael.Taranto@dpi.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** [External] Re: Board of Education RFC for May 2026

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Good Afternoon, Seth,

Attached is the agency response to the Request for Changes, and updated versions of two rules.

Best,

Ryan

**Ryan M. Collins, J.D., M.Ed.**

*Deputy General Counsel*

Office of General Counsel

[ryan.collins@dpi.nc.gov](mailto:ryan.collins@dpi.nc.gov)

984.236.2255 (o)



**NORTH CAROLINA**  
State Board of Education  
Department of Public Instruction

1 16 NCAC 06G .0303 is readopted with changes as published in 40:09 NCR 706–711 as follows:

2  
3 **16 NCAC 06G .0303 FLEXIBLE FUNDING DEFINITIONS**

4 ~~The SBE shall not consider or grant waivers for:~~

- 5 (1) ~~teacher assistants;~~
- 6 (2) ~~matching state funds for federal vocational education;~~
- 7 (3) ~~transportation;~~
- 8 (4) ~~employee benefits, including annual leave and longevity;~~
- 9 (5) ~~Willie M.; and~~
- 10 (6) ~~all federal funds.~~

11 As used in this Section, the following definitions shall apply:

- 12 (1) "Achievement Score" means the overall achievement score ~~[as defined in]~~ **calculated according to**  
13 G.S. 115C-83.15(b).
- 14 (2) "Assistance team" means an assistance team assigned by the State Board of Education to a low-  
15 performing school under G.S. 115C-105.38.
- 16 (3) "Continually Low-Performing School" or "CLPS" is defined in G.S. 115C-105.37A(a).
- 17 (4) "Education Management Organization" or "EMO" is defined in 16 NCAC 06G .0523.
- 18 (5) "Identified student subgroup" means one of the subgroups identified in G.S. 115C-83.15(d1),  
19 provided there are at least 30 students served by a school.
- 20 (6) "Low-Performing School" is defined in G.S. 115C-105.37(a).
- 21 (7) "Restart Model" is defined in G.S. 115C-105.37B(a)(2).
- 22 (8) "School Improvement Plan" ~~is defined in]~~ **means the plan described in** G.S. 115C-105.37(a1).
- 23 (9) "School Reform Model" means one of the following:
  - 24 (A) Restart Model
  - 25 (B) Transformation Model
  - 26 (C) Turnaround Model
- 27 (10) "Transformation Model" is defined in G.S. 115C-105.37B(a)(1).
- 28 (11) "Turnaround Model" is defined in G.S. 115C-105.37B(a)(3).

29  
30  
31 *History Note: Authority G.S. 115C-83.15; 115C-105.37; 115C-105.37A; 115C-105.37B; 115C-105.38;*  
32 *Filed as a Temporary Rule Eff. November 7, 1989 for a period of 180 days to expire on May 6,*  
33 *1990;*  
34 *Authority G.S. 115C-238.1;*  
35 *Eff. May 1, 1990;*  
36 *Amended Eff. June 1, 1996. 1996;*  
37 *Readopted Eff. June 1, 2026.*

1 16 NCAC 06G .0318 is adopted with changes as published in 40:09 NCR 706–711 as follows:

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3 **16 NCAC 06G .0318 RESTART MODEL**

4 (a) A local school administrative unit that wants to implement a Restart Model in a continually low-performing school  
5 shall apply to the State Board of Education by February 28<sup>th</sup> of the school year preceding the school year in which the  
6 LSAU wants to implement the model. The application shall include the following:

7 (1) A description of how the LSAU will support the school in providing each student with the  
8 opportunity for a sound basic education.

9 (2) Specific goals for increasing the achievement score, growth score, and subgroup growth scores in  
10 the school.

11 (3) A description of how the LSAU will utilize operational flexibilities to realize the goals identified in  
12 Subparagraph (a)(2).

13 (4) A description of any administrative barriers, such as teacher turnover, that the LSAU believes  
14 contributed to the school's identification as continually low-performing and standards for measuring  
15 progress in reducing those barriers.

16 (5) A declaration of intent to contract with an educational management organization to implement the  
17 Restart Model, if applicable. The declaration of intent shall include:

18 (A) The name, address, email, and telephone number for the EMO;

19 (B) The website for the EMO; and

20 (C) An explanation of how the services of the EMO will contribute to improved growth scores  
21 and achievement scores at the school.

22 (6) A proposed budget outlining the revenues and expenditures necessary to implement the Restart  
23 Model;

24 (7) A timeline for implementing the Restart Model.

25 (8) A written commitment to implement the Restart Model for at least five years.

26 (9) The name of a staff member at the LSAU who shall serve as the point of contact for the school.

27 (b) If the SBE authorizes an LSAU to implement the Restart Model, the LSAU shall implement the model for a  
28 minimum of five school years, unless the SBE removes authorization in accordance with 16 NCAC 06G .0317(c).  
29 Subsequent provisions of this rule shall apply to the initial five years and any subsequent five-year period of continued  
30 authorization.

31 (c) Upon receipt of authorization from the SBE, the LSAU shall include the operational flexibilities described in its  
32 application as action steps in the School Improvement Plan, specifying the school year(s) in which the operational  
33 flexibilities are to be utilized, and submit the School Improvement Plan to the SBE for review and approval in  
34 accordance with G.S. 115C-105.37A(a). The revised School Improvement Plan is due to the SBE no later than  
35 September 30th following SBE authorization.

36 (d) The LSAU shall file regular reports with the SBE regarding implementation of the Restart Model, including the  
37 following:

1 (1) By December 1st of Year 2 of initial implementation of the Restart Model and every year thereafter,  
2 the LSAU shall submit an annual report that documents how the school utilized the operational  
3 flexibilities authorized in the Restart Model in the past year. The annual report shall provide  
4 evidence of any measurable progress toward the goals outlined in its application or the prior annual  
5 report that can be attributed to the use of those operational flexibilities.

6 (2) By September 30<sup>th</sup> of Year 2 and every year thereafter, the LSAU shall identify continuing,  
7 modified, or new goals for the following school year, describe how it intends to utilize operational  
8 flexibilities to realize those goals, and document action steps in the School Improvement Plan,  
9 specifying the school year(s) in which the operational flexibilities are to be utilized.

10 (3) By January 31st of Year 5, the LSAU shall submit a report describing and documenting:

11 (A) All policies, guidelines, or directives it adopted to implement the Restart Model; and

12 (B) All efforts to reduce administrative barriers identified in the initial application or prior  
13 annual reports and all measurable changes to those barriers attributable to those efforts.

14 (4) By May 31st of the school year following approval by the SBE of an application for continued  
15 authorization under Paragraph (g), the LSAU shall submit evidence of how the LSAU has supported  
16 the school's operation under the Restart Model and use of operational flexibilities have helped to  
17 improve its growth and achievement scores.

18 (e) To continue operating the school under Restart Model after five years, the school must demonstrate academic gain  
19 in at least two of three years from Year 2 through Year 4. A school may demonstrate academic gain under any of the  
20 following scenarios:

21 (1) The school is no longer identified as continually low-performing and has met or exceeded expected  
22 growth under G.S. 115C-83.15(f). Under this scenario, the SBE may reduce the reporting  
23 requirements in Paragraph (g) if the SBE determines that the reduced reporting requirements would  
24 not compromise the SBE's ability to make decisions regarding the implementation of the Restart  
25 Model in the school.

26 (2) The school is no longer identified as continually low-performing but has not met expected growth.

27 (3) The school is still identified as continually low-performing, but the school has met or exceeded  
28 expected growth and realized a net increase in its achievement score over five years.

29 (4) The school is still identified as continually low-performing and realized a net decrease in its  
30 achievement school over five years, but the school has met or exceeded expected growth and at least  
31 50 percent of identified student subgroups served by the school have met or exceeded growth under  
32 G.S. 115C-83.15(d2).

33 (5) The school is still identified as continually low-performing and realized a net decrease in its  
34 achievement school over five years, but the school has met or exceeded expected growth and  
35 demonstrated measurable progress toward at least 50 percent of the operational flexibility goals  
36 identified in the initial application or the most recent annual report filed in accordance with  
37 Subparagraph (d)(1).

1 (6) The school is still identified as continually low-performing and has not met expected growth, but  
2 the school has realized a net increase in its achievement score of at least five points over five years.

3 (7) The school is still identified as continually low-performing and has not met expected growth, but  
4 the school has realized a net increase in its achievement score of between zero and five points over  
5 five years and at least 50 percent of identified student subgroups served by the school have met or  
6 exceeded growth under G.S. 115C-83.15(d2).

7 (8) The school is still identified as continually low-performing and has not met expected growth, but  
8 the school has realized a net increase in its achievement score of between zero and five points over  
9 five years and demonstrated measurable progress toward at least 50 percent of the operational  
10 flexibility goals identified in the initial application or the most recent annual report filed in  
11 accordance with Subparagraph (d)(1).

12 (f) If the school has not demonstrated measurable progress toward academic gain after Year 2, the school shall submit  
13 to additional oversight from the SBE beginning in Year 3.

14 (g) If, at the end of Year 5, the school has demonstrated academic gain and the LSAU wants to continue operating the  
15 school under the Restart Model, the LSAU must declare its intent to the SBE by February 28th of Year 5. The SBE  
16 may continue the authorization for another five years unless the SBE determines that continuing to operate the school  
17 under the Restart Model is likely to result in lower indications of growth or a decrease in achievement scores.

18 (h) If the school does not demonstrate academic gain in any two years from Year 2 to Year 4 and the LSAU wants to  
19 continue operating the school under the Restart Model, the LSAU shall apply to the SBE for continued authorization  
20 by February 28th of Year 5. That application shall include the following:

21 (1) An explanation of the rationale for requesting continued authorization as well as an explanation of  
22 the perceived causes of the decline in the school's growth score and achievement score.

23 (2) An explanation of the level of decision-making authority and influence with LSAU leadership held  
24 by the point of contact for the school.

25 (3) An explanation of how the LSAU will provide comprehensive and differentiated support the school  
26 in a manner beyond the standard support provided to all schools in the LSAU.

27 (4) An explanation of support that the LSAU will provide to the school principal either directly or  
28 through external partners funded by the LSAU.

29 (5) A description of any new strategies for demonstrating academic gain through the use of operational  
30 flexibility or other methods.

31 (6) A written commitment to cooperate with oversight and support from the SBE during the term of the  
32 Restart Model.

33 The SBE may approve the application and continue the authorization for a period up to five years if the SBE determines  
34 the school is likely to demonstrate academic gain under the revised School Improvement Plan. If the SBE continues  
35 the authorization under these circumstances, the school shall submit to additional oversight and intensive support from  
36 the SBE until it demonstrates measurable progress toward academic gain.

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2 History Note: Authority G.S. 115C-105.37B;

3 Eff. June 1, 2026.

**Request for Changes Pursuant to  
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

**Note the following general instructions:**

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;; and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
<https://www.oah.nc.gov/rule-format-examples>

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0303

**DEADLINE FOR RECEIPT: May 21, 2026**

***PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 12, change "as defined in" to "calculated according to".*

*Done.*

*On line 21, change "is defined in" to "means the plan described in".*

*Done.*

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0317

**DEADLINE FOR RECEIPT: May 21, 2026**

***PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On p 3, line 1, is there a difference between the SBE refusing to continue and removing the authorization?*

*Removing authorization would happen in the middle of a 5-year cycle. Refusing to continue authorization would happen at the end of a 5-year cycle after a local board has requested to continue operating a school under the Restart Model for another 5 years pursuant to 16 NCAC 06G .0318(e). The practical effect is the same, but they are procedurally different.*

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

Seth Ascher  
Commission Counsel

Date submitted to agency: May 11, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0318

**DEADLINE FOR RECEIPT: May 21, 2026**

***PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On p. 1, line 27, add "for": "the model for a minimum".*

*Done.*

*On p. 3, lines 13 and 35, what is "additional oversight from the SBE"?*

*The Department of Public Instruction provides several means of support for staff at schools operating under the Restart Model, including*

- Meeting with DPI staff to receive planning assistance on using the operational flexibilities available under the model (1-2 hour meeting, usually over the summer).*
- Feedback from DPI staff on the school improvement plan and annual reports (DPI staff gives feedback in writing and has a 1-hour follow-up meeting with school staff).*
- Monthly professional development meetings for all staff at all Restart Schools nationwide (1 hour each)*

*While these resources are available to all Restart Schools, those schools designated for additional oversight are required to participate in these processes (including attending at least 5 professional development sessions).*

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

Seth Ascher  
Commission Counsel

Date submitted to agency: May 11, 2026

## **Burgos, Alexander N**

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**From:** Ascher, Seth M  
**Sent:** Monday, May 11, 2026 3:18 PM  
**To:** Collins, Ryan; Taranto, Michael  
**Cc:** Burgos, Alexander N  
**Subject:** Board of Education RFC for May 2026  
**Attachments:** Education RFC May 26.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the State Board of Education for the May 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, May 28, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on May 21, 2026.

Please let me know if you have any questions of concerns.

### **Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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