

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06D .0403

DEADLINE FOR RECEIPT: Friday, June 10, 2022.

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:

In your introductory statement, please add your publication information. The intro statement should say: “16 NCAC 06D .0403 is adopted as published in 36:17 NCR 1435-36 as follows:”

For future reference, formatting examples are available at: <https://www.oah.nc.gov/rules-division/information-rulemaking-coordinators/rule-format-examples>

In general, why is this rule necessary? It appears that it merely repeats what is already stated in G.S. 115C-12(47).

Did the State Board consult with the Superintendent of Public Instruction, as required by G.S. 115C-12(47)?

On line 4, does “public school unit” capture all the entities who are required to implement this Rule under the various provisions contained in SL 2021-132? PSU is defined in 115C-5 as including local school administrative units, charter schools, regional schools, and schools providing elementary/secondary instruction operated by the State Board under Article 7A (Innovative School District) and Article 9C (schools for the blind and deaf), and laboratory schools operated by UNC under Chapter 116, Article 29A. This doesn’t seem to me to capture the School of the Arts and the School of Math and Sciences which are specifically mentioned in the SL.

Additionally, with respect to the use of “public school unit”, the SL appears to require for charter schools, regional schools, and schools under the UNC system that the school provide the information, rather than the public school unit.

On line 4, please spell out “6.”

On line 5, who makes the determination as to what is age-appropriate? What does “age-appropriate” mean in this context?

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

16 NCAC 06D .0403 is proposed for adoption as follows:

16 NCAC 06D .0403 PROVIDE INFORMATION ON CHILD ABUSE AND NEGLECT

Each public school unit shall provide to students in grades 6 through 12 the information on child abuse and neglect, including age-appropriate information on sexual abuse, specified in G.S. 115C-12(47).

History Note: Authority G.S. 115C-12(47);

Eff. July 1, 2022.