

Burgos, Alexander N

Subject: FW: [External] Re: October 2026 RRC Meeting- Request for Changes

From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Tuesday, October 6, 2026 4:09 PM
To: Collins, Ryan <Ryan.Collins@dpi.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: October 2026 RRC Meeting- Request for Changes

Ryan,

Just for clarity of the record, I want to confirm that you are withdrawing 16 NCAC 06C .0410 (voluntary shared leave) from review at the October 29, 2026 meeting of the RRC due to untimely filing under 150B-21.2(g). You are planning to meet with the State Board of Education and plan to submit a timely filing, if after their review they decide to adopt the reviewed rule. Thank you.

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Tuesday, October 6, 2026 3:06 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: October 2026 RRC Meeting- Request for Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hello Meghan,

Thank you for the quick response. Based on what you shared, I would like to withdraw the rule and will plan to timely resubmit it following further review by the State Board of Education. I appreciate your help in finding a solution.

Best,

Ryan

Burgos, Alexander N

Subject: FW: [External] Re: October 2026 RRC Meeting- Request for Changes

From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Tuesday, October 6, 2026 4:09 PM
To: Collins, Ryan <Ryan.Collins@dpi.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: October 2026 RRC Meeting- Request for Changes

Ryan,

Just for clarity of the record, I want to confirm that you are withdrawing 16 NCAC 06C .0410 (voluntary shared leave) from review at the October 29, 2026 meeting of the RRC due to untimely filing under 150B-21.2(g). You are planning to meet with the State Board of Education and plan to submit a timely filing, if after their review they decide to adopt the reviewed rule. Thank you.

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Tuesday, October 6, 2026 3:06 PM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: October 2026 RRC Meeting- Request for Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hello Meghan,

Thank you for the quick response. Based on what you shared, I would like to withdraw the rule and will plan to timely resubmit it following further review by the State Board of Education. I appreciate your help in finding a solution.

Best,

Ryan

Burgos, Alexander N

From: Barney, Meghan E
Sent: Tuesday, October 6, 2026 12:52 PM
To: Collins, Ryan
Cc: Burgos, Alexander N
Subject: Re: [External] Re: October 2026 RRC Meeting- Request for Changes

Ryan,

Based on my understanding of the APA, there is no way for this filing of the rule to continue forward with review without objection. 150B-21.2(g) states "an agency *must* submit a rule to the Rules Review Commission within 30 days of the agency's adoption of the rule." Once that deadline is missed, the Rule no longer meets the standard under 150B-21.9(a)(4) that "It was adopted in accordance with Part 2 of this Article." If the rule moves forward, even with an extension, I would have to recommend the Commission object based on the filing issue.

However, I have not written a staff opinion, and the issue doesn't relate to existing language in the rule, so based on 26 NCAC 05 .0107, I do think you are able to withdraw the rule if you so choose. According to 150B-21.2(g) an agency has 12 months from the end of the time for commenting to adopt a rule. You published this rule on May 1, 2026, so you have some time before the end of the twelve months. I believe you could meet with the board in November, discuss and adopt the rule and make a new filing with RRC within 30 days while still under the previous publishing requirements. The adopted rule cannot substantially differ from the published rule under 150B-21.2(g). If you were to take this path and the timely filed rule was not substantially changed from publication, I would feel comfortable recommending to the Commission that the standard 150B-21.9(a)(4) that "It was adopted in accordance with Part 2 of this Article" would then be met.

I will always caveat with, the Commission is not required to follow my recommendations. Please let me know how you would like to proceed.

Thanks,

Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Tuesday, October 6, 2026 9:44 AM
To: Barney, Meghan E <meghan.barney@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: October 2026 RRC Meeting- Request for Changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hello Meghan,

In response to your first question, you are correct that the State Board of Education adopted this rule on July 9, 2026. I confess that I neglected to submit the rule to the Rules Review Commission within 30 days of the State Board's adoption. That was an oversight on my part as the rulemaking coordinator, not neglect by the State Board.

I have already addressed the more technical corrections included in the Request for Changes document, but I anticipate needing to go back to the State Board to seek their approval on other changes in response to some of your questions. While I do not believe these would qualify as "substantial changes" as defined in G.S. 150B-21.2(g), I would likely need to see their approval on additional clarifying language.

In your view, would the State Board voting to adopt the rule again with changes in response to the RFC cure the failure to provide 30 days' notice? If so, can I request that RRC defer action on the rule until November or December? The State Board only meets once a month and will not convene again until November 4th.

Best,

Ryan

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

Deputy General Counsel

Office of General Counsel

ryan.collins@dpi.nc.gov

984.236.2255 (o)



NORTH CAROLINA
State Board of Education
Department of Public Instruction

From: Barney, Meghan E <meghan.barney@oah.nc.gov>
Sent: Friday, October 2, 2026 3:11 PM
To: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: October 2026 RRC Meeting- Request for Changes

You don't often get email from meghan.barney@oah.nc.gov. [Learn why this is important](#)

CAUTION: CAUTION: External email. Do not click links or open attachments unless verified. Report all suspicious emails via the 'Report' button or send as an attachment to [IT Security](#)

Good afternoon,

I'm the attorney who reviewed the rule submitted by the State Board of Education for the October 2026 RRC meeting. The RRC will formally review this rule at its meeting on Thursday, October 29, 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, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on October 16, 2026. Let me know if you have any questions.

Thanks,
Meghan

Meghan Barney
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1925
Email: meghan.barney@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Visit us on the web at <https://dpi.nc.gov> . All e-mail correspondence to and from this address is subject to the North Carolina Public Records Law, which may result in monitoring and disclosure to third parties, including law enforcement.