

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06A .0201

DEADLINE FOR RECEIPT: December 6, 2024

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 27, the cited statute only defines “professional educator” and not “educator”. Do you mean for this to be something like “Educator” means “professional educator” as defined in G.S. 115C-270.1(2)”?

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: December 2, 2024

1 16 NCAC 06A .0201 is adopted as published in 39 NCR 166–167 as follows:

2
3 **SUBCHAPTER 6A – ~~ORGANIZATIONAL PLAN~~ STATE BOARD OF EDUCATION RULES**

4
5 **SECTION .0200 – Organization and Administration**

6
7 **16 NCAC 06A .0201 DEFINITIONS**

8 As used in this Chapter, the following definitions apply unless otherwise specified:

- 9 (1) "Board," "SBE," or "NCSBE" means the State Board of Education.
- 10 (2) "Charter school" means a public school organized and operated under Chapter 115, Article 14A of
11 the General Statutes.
- 12 (3) "Department," "DPI," or "NCDPI" means the Department of Public Instruction.
- 13 (4) "High school" means a public school offering education in Grades 9 through 12 or 10 through 12.
- 14 (5) "Institution of higher education" or "IHE" means a community college, two-year college, four-year
15 college, or university accredited by an agency recognized by the United States Secretary of
16 Education to be a reliable authority on accreditation.
- 17 (6) "Junior high school" means a public school offering education in Grades 6 through 9 or 7 through
18 9.
- 19 (7) "Local education agency" or "LEA" means a local school administrative unit.
- 20 (8) "Local board of education" or "local board" is defined in G.S. 115C-5(5).
- 21 (9) "Local school administrative unit" or "LSAU" is defined in G.S. 115C-5(6).
- 22 (10) "Local superintendent" means the superintendent of a local school administrative unit, as provided
23 in Chapter 115C, Article 18 of the General Statutes.
- 24 (11) "Middle school" means a public school offering education in Grades 6 through 8.
- 25 (12) "Principal" means a school administrator employed as the principal of a school, as provided in
26 Chapter 115C, Article 19 of the General Statutes.
- 27 (13) "Professional educator" or "educator" is defined in G.S. 115C-270.1(2).
- 28 (14) "Public school" or "school" means a public institution offering tuition-free education at any level
29 from Kindergarten through Grade 12 and that is under the jurisdiction of a public school unit.
- 30 (15) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).
- 31 (16) "PSU governing body" or "governing body of a public school unit" is defined in G.S. 115C-5(3a).
- 32 (17) "Regional school" is defined in G.S. 115C-238.61(4).
- 33 (18) "School district" is defined in G.S. 115C-5(4).
- 34 (19) "School for the blind" is defined in G.S. 115C-150.10(6).
- 35 (20) "School for the deaf" is defined in G.S. 115C-150.10(7).
- 36 (21) "School year" or "academic year" means a calendar year beginning on July 1 of one year and ending
37 on June 30 of the following year.

(22) "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade 12 in any public school unit.

History Note: Authority G.S. 115C-5; 115C-12; 115C-150.10; 115C-218; 115C-238.61; 115C-270.1; Eff. January 1, 2025.

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06D .0501

DEADLINE FOR RECEIPT: December 6, 2024

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 page 1, line 36, “career and technical education, ~~and~~ or the arts.”

On page 2, lines 23 through 29 (the definition of Standard Course of Study), I didn’t see any rules that used this term. Do you need this definition?

*Furthermore, the RRC has previously objected to rules incorporating or referencing the standard course of study because the standard course of study had not been adopted as a rule and there did not appear to be statutory authority to adopt it outside of the APA (see, e.g. page 3 of this letter:
<https://www.oah.nc.gov/documents/rules/rrc/01212021-follow-matter-tab-e-board-education-06e/download>). Has something changed since these objections?*

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: December 2, 2024

1 16 NCAC 06D .0501 is readopted as published in 39 NCR 167–168 as follows:
2

3 **SECTION .0500 – ~~DEFINITIONS~~ PROMOTION AND GRADUATION**
4

5 **16 NCAC 06D .0501 DEFINITIONS**

6 As used in this ~~Subchapter, Section,~~ the following definitions apply:

- 7 (1) ~~"adequate progress" shall mean student performance at or near grade level as indicated by student~~
8 ~~work, assessment data, and other evaluation information.~~
- 9 (2) ~~"focused intervention" shall mean help for students in attaining competency goals and objectives. The~~
10 ~~help or assistance shall be based on a diagnosis of what the student knows and is able to do. The~~
11 ~~strategies for helping the student shall be based on the diagnosis of the student's work.~~
- 12 (3) ~~"grade level proficiency" shall mean Level III or above on end-of-grade assessments in reading and~~
13 ~~mathematics in grades 3-8. In grades K-2, teachers shall identify those students who are not~~
14 ~~performing at grade-level expectations. The levels of student performance shall be defined as follows:~~
- 15 (a) ~~"Level I" shall mean that the student fails to achieve at a basic level. Students performing at~~
16 ~~this level do not have sufficient mastery of knowledge and skills in this subject area to be~~
17 ~~successful at the next grade level.~~
- 18 (b) ~~"Level II" shall mean that the student achieves at a basic level. Students performing at this~~
19 ~~level demonstrate inconsistent mastery of knowledge and skills in this subject area and are~~
20 ~~minimally prepared to be successful at the next grade level.~~
- 21 (c) ~~"Level III" shall mean that the student achieves at a proficient level. Students performing at~~
22 ~~this level consistently demonstrate mastery of grade level subject matter and skills and are~~
23 ~~well prepared for the next grade level.~~
- 24 (d) ~~"Level IV" shall mean that the student achieves at an advanced level. Students performing at~~
25 ~~this level consistently perform in a superior manner clearly beyond that required to be~~
26 ~~proficient at grade level work.~~
- 27 (4) ~~"instructionally sound" shall mean a practice or strategy that reflects research findings and the~~
28 ~~achievement needs of students. The practice shall take into account student learning styles, effective~~
29 ~~delivery of content and skills, diagnosis, monitoring, and evaluation.~~
- 30 (1) "Alternative assessment" is defined in G.S. 115C-83.3.
- 31 (2) "Career and technical education" or "CTE" means education designed to teach a set of technical or
32 career-based skills, including agriculture, business and finance, family and consumer science, health
33 science, information technology, marketing, technology, and industrial trades.
- 34 (3) "Child with a disability" is defined in G.S. 115C-106.3(1).
- 35 (4) "Content area" means a subject matter, academic discipline, or knowledge domain, such as a core
36 academic area, career and technical education, and the arts.

- (5) "Content standards" means the knowledge, concepts, and skills that a student should acquire at a specific grade level or within a specific content area. The Standard Course of Study indicates the minimum content standards for students in North Carolina.
- (6) "Core academic areas" means the academic disciplines of reading, writing, mathematics, science, history, geography, and civics.
- (7) "Course credit" means the documented recognition that a student has demonstrated, to the satisfaction of the governing body of a public school unit and consistent with the content standards, rigor, breadth, and depth of the Standard Course of Study, mastery of the content area for which the credit is being earned.
- (8) "Elective course credit" means course credit not specifically mandated by law or by this Section.
- (9) "Individualized education program" or "IEP" is defined in G.S. 115C-106.3(8).
- (10) "IEP team" is defined in G.S. 115C-106.3(7).
- (11) "Occupational preparation education" means instruction designed to prepare a student identified as a child with a disability for post-secondary education, employment, or independent living.
- (12) "Postsecondary plans" means a student's educational or occupational plans after graduating from high school, such as one of the following:
- (a) Enrollment in an institution of higher education.
- (b) Full-time employment.
- (c) Enlistment in the military.
- (13) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-making authority at a school, if there is no principal.
- (14) "Standard Course of Study" means the plan of education and standard course of study that has been developed and approved by the State Board of Education in accordance with G.S. 115C-12(9c) and Chapter 115C, Article 8, Part 1 of the General Statutes. The Standard Course of Study defines the content standards for each grade level or proficiency level for each high school course to provide a uniform set of learning standards for every public school in North Carolina. These standards define what a student is expected to know and be able to do by the end of each school year or high school course so that the student is prepared for the student's postsecondary plans.

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;
G.S. 115C-12(9c); 115C-12(9d); 115C-81.5; 115C-81.25; 115C-81.45; 115C-81.90;
115C-83.3; 115C-83.31; 115C-83.32; 115C-106.3;
Eff. December 1, 1999;
Amended Eff. January 2, 2006; April 1, ~~2005~~, 2005;
Readoption Eff. January 1, 2025.

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06D .0503

DEADLINE FOR RECEIPT: December 6, 2024

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 page 5, line 3, is "CTE" defined somewhere? If not, spell it out or define it here.

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

16 NCAC 06D .0503 is readopted with changes as published in 39 NCR 168–172 as follows:

16 NCAC 06D .0503 STATE GRADUATION REQUIREMENTS

~~(a) In order to graduate and receive a high school diploma, public school students shall meet the requirements of Paragraph (e) of this Rule and shall attain passing scores on competency tests adopted by the SBE and administered by the LEA. The passing score for the competency test, which is the same as grade-level proficiency as set forth in Rule~~

~~.0502 of this Subchapter, shall be level III or higher.~~

~~(b) Students who satisfy all state and local graduation requirements but who fail the competency tests shall receive a certificate of achievement and transcript and shall be allowed by the LEA to participate in graduation exercises.~~

~~(c) Special education students, other than students who are following the occupational course of study in Paragraph (e)(1)(D) of this Rule, may apply in writing to be exempted from taking the competency tests. Before it approves the request, the LEA must assure that the parents, or the child if aged 18 or older, understand that each student must pass the competency tests to receive a high school diploma.~~

~~(d) Any student who has failed to pass the competency tests by the end of the last school month of the year in which the student's class graduates may receive additional remedial instruction and continue to take the competency tests during regularly scheduled testing until the student reaches maximum school age. Special education students who are following the occupational course of study in Paragraph (e)(1)(D) of this Rule shall not be required to pass the competency test or the exit exam referred to in 16 NCAC 06D .0502(d)(2) in order to graduate and receive a diploma.~~

~~(e) In addition to the requirements of Paragraph (a) of this Rule, students must successfully complete 20 course units in grades 9–12 as specified below.~~

(1) Effective with the class entering ninth grade for the first time in the 2000–2001 school year, students shall select one of the following four courses of study:

NOTE: All students are encouraged, but not required, to include at least one elective course in arts education. Unless included as career/technical education credits in the career preparation course of study, courses in R.O.T.C. qualify for credit as electives in any of the courses of study.

(A) career preparation, which shall include:

(i) four credits in English language arts, which shall be English I, II, III, and IV;

(ii) three credits in mathematics, one of which shall be algebra I (except as limited by G.S. 115C-81(b));

(iii) three credits in science, which shall include biology, a physical science, and earth/environmental science;

(iv) three credits in social studies, which shall be Civics and Economics, U.S. history, and World history;

(v) one credit in health and physical education;

- ~~(vi) — four credits in career/technical education, which shall be in a career concentration or pathway that leads to a specific career field and which shall include a second-level (advanced) course; or four credits in one of the four disciplines in arts education: theatre, music, visual arts, or dance; or four credits in R.O.T.C.;~~
- ~~(vii) — two elective credits; and~~
- ~~(viii) — other credits designated by the LEA.~~

~~(B) — college technical preparation, which shall include:~~

- ~~(i) — four credits in English language arts, which shall be English I, II, III, and IV;~~
- ~~(ii) — three credits in mathematics, which shall be either algebra I, geometry, and algebra II; or algebra I, technical mathematics I, and technical mathematics II; or integrated mathematics I, II, and III;~~
- ~~(iii) — three credits in science, which shall include biology, a physical science, and earth/environmental science;~~
- ~~(iv) — three credits in social studies, which shall be Civics and Economics, U.S. history, and World history;~~
- ~~(v) — one credit in health and physical education;~~
- ~~(vi) — four credits in career/technical education, which shall be in a career concentration or pathway that leads to a specific career field and which shall include a second-level (advanced) course;~~
- ~~(vii) — two elective credits; and~~
- ~~(viii) — other credits designated by the LEA.~~

~~— NOTE: A student who is pursuing this course of study may also meet the requirements of a College/university course of study by completing one additional mathematics course for which Algebra II is a prerequisite and, effective with the class entering the ninth grade for the first time in the 2002-03 school year, two credits in the same second language.~~

~~(C) — college/university preparation, which shall include:~~

- ~~(i) — four credits in English language arts, which shall be English I, II, III, and IV;~~
- ~~(ii) — three credits in mathematics, which shall be algebra I, algebra II, and geometry or a higher level course for which algebra II is a prerequisite; or integrated mathematics I, II, and III; however, effective with the class entering the ninth grade for the first time in the 2002-03 school year, this requirement shall become four credits in mathematics, which shall be algebra I, algebra II, geometry, and a higher level course for which algebra II is a prerequisite; or integrated mathematics I, II, III, and one course beyond integrated mathematics III;~~
- ~~(iii) — three credits in science, which shall include biology, a physical science, and earth/environmental science;~~

- (iv) ~~three credits in social studies, which shall be Civics and Economics, U.S. history, and World history;~~
- (v) ~~one credit in health and physical education;~~
- (vi) ~~two credits in the same second language or demonstration of proficiency in a language other than English as determined by the LEA;~~
- (vii) ~~four elective credits, except that effective with the class entering the ninth grade for the first time in the 2002-03 school year, this shall be reduced to three elective credits; and~~
- (viii) ~~other credits designated by the LEA.~~

(D) ~~occupational, which shall include:~~

- (i) ~~four credits in English language arts, which shall be Occupational English I, II, III, and IV;~~
- (ii) ~~three credits in mathematics, which shall be Occupational Mathematics I, II, and III;~~
- (iii) ~~two credits in science, which shall be Life Skills Science I and II;~~
- (iv) ~~two credits in social studies, which shall be Government/U.S. History and Self-Advocacy/Problem Solving;~~
- (v) ~~one credit in health and physical education;~~
- (vi) ~~six credits in occupational preparation education, which shall be Occupational Preparation I, II, III, IV, 300 hours of school based training, 240 hours of community based training, and 360 hours of paid employment;~~
- (vii) ~~four vocational education elective credits;~~
- (viii) ~~computer proficiency as specified in the student's IEP;~~
- (ix) ~~a career portfolio; and~~
- (x) ~~completion of the student's IEP objectives.~~

(2) ~~Effective with the class entering ninth grade for the first time in the 2006-2007 school year, students who are following the career preparation, college technical preparation, or college/university preparation courses of study shall meet the following exit standards:~~

- (A) ~~successfully complete a senior project that is developed, monitored, and scored within the LEA using state adopted rubrics; and~~
- (B) ~~score at proficiency level III or above on the end of course assessment for English I, U.S. History, Biology, Civics and Economics, and Algebra I. A student who does not score at proficiency level III or above on the end of course assessment for any of these courses but who passes the course shall be offered the opportunity to retake the assessment no later than three weeks from the receipt of assessment results. If the student does not score at or above proficiency level III on the retest, school officials shall apply the review process described in Rule .0504 of this Section to provide focused intervention, a second retest opportunity, and a~~

~~review of the student's documentation to determine whether the student has met the exit standard for the course. The principal shall make the final decision as to whether the student has met the exit standard.~~

~~(3) LEAs may count successful completion of course work in the ninth grade at a school system which does not award course units in the ninth grade toward the requirements of this Rule.~~

~~(4) LEAs may count successful completion of course work in grades 9-12 at a summer school session toward the requirements of this Rule.~~

~~(5) LEAs may count successful completion of course work in grades 9-12 at an off-campus institution toward the locally designated electives requirements of this Rule. 23 NCAC 02C.0305 shall govern enrollment in community college institutions.~~

~~(f) Effective with the class of 2001, all students must demonstrate computer proficiency as a prerequisite for high school graduation. The passing scores for this proficiency shall be 47 on the multiple choice test and 49 on the performance test. This assessment shall begin at the eighth grade. A student with disabilities shall demonstrate proficiency by the use of a portfolio if this method is required by the student's IEP.~~

~~(g) Special needs students as defined by G.S. 115C-109, excluding gifted and pregnant, who do not meet the requirements for a high school diploma shall receive a graduation certificate and shall be allowed to participate in graduation exercises if they meet the following criteria:~~

~~(1) successful completion of 20 course units by general subject area (4 English, 3 math, 3 science, 3 social studies, 1 health and physical education, and 6 local electives) under Paragraph (e) of this Rule. These students are not required to pass the specifically designated courses such as Algebra I, Biology or United States history; and~~

~~(2) completion of all IEP requirements.~~

(a) To graduate from a public high school in North Carolina and be issued a high school diploma by the governing body of a public school unit, a student shall satisfy the requirements set forth in this Rule. The requirements for each student are determined by the school year in which the student first enrolls in Grade 9. The requirements for a student who has been identified as a child with a disability and whose IEP team has determined cannot satisfy the standard state graduation requirements are set forth in 16 NCAC 06D .0506.

(b) A student who first enrolled in Grade 9 in the 2020-2021 school year shall earn a total of 22 course credits, including the following:

(1) Four course credits in the content area of English and language arts, which shall consist of:

(A) English I;

(B) English II;

(C) English III; and

(D) English IV

(2) Four course credits in the content area of mathematics, which shall consist of:

(A) NC Math I;

(B) NC Math II;

- (C) NC Math III; and
- (D) A fourth course credit aligned with the student's postsecondary plans.
- A student may, with the approval of the principal of the student's school, complete a CTE course approved by DPI in lieu of NC Math III.
- (3) Three course credits in the content area of science, which shall consist of:
- (A) Biology;
- (B) One course in physical science; and
- (C) One course in earth and environmental science.
- (4) Four course credits in the content area of social studies, which shall consist of:
- (A) One course on founding principles of the United States, which shall be either American History: Founding Principles, Civics, and Economics; or Founding Principles of the United States of America and North Carolina: Civic Literacy;
- (B) Economics and Personal Finance;
- (C) One course in American history, which shall be either American History, American History I, or American History II; and
- (D) World History.
- (5) One course credit in the content area of health and physical education, including completion of instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10).
- (6) Two elective course credits in any combination of the following content areas:
- (1) Career and technical education.
- (2) Visual or performing arts education; or
- (3) World languages education.
- (7) Four elective course credits in any combination of the following content areas:
- (A) Career and technical education;
- (B) Visual or performing arts education;
- (C) Reserve Officer Training Corps ("ROTC"); or
- (D) Any other content area.
- (c) A student who first enrolled in Grade 9 in the 2021-2022 2021-2022, 2022-2023, 2023-2024, 2024-2025, or 2025-2026 school year years shall earn a total of 22 course credits, including the following:
- (1) Four course credits in the content area of English and language arts, which shall consist of:
- (A) English I;
- (B) English II;
- (C) English III; and
- (D) English IV
- (2) Four course credits in the content area of mathematics, which shall consist of:
- (A) NC Math I;
- (B) NC Math II;

- 1 (C) NC Math III; and
- 2 (D) A fourth course credit aligned with the student's postsecondary plans.
- 3 A student may, with the approval of the principal of the student's school, complete a CTE course
- 4 approved by DPI in lieu of NC Math III.
- 5 (3) Three course credits in the content area of science, which shall consist of:
- 6 (A) Biology;
- 7 (B) One course in physical science; and
- 8 (C) One course in earth and environmental science.
- 9 (4) Four course credits in the content area of social studies, which shall consist of:
- 10 (A) Founding Principles of the United States of America and North Carolina: Civic Literacy;
- 11 (B) Economics and Personal Finance;
- 12 (C) American History; and
- 13 (D) World History.
- 14 (5) One course credit in the content area of health and physical education, including completion of
- 15 instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10).
- 16 (6) Two elective course credits in any combination of the following content areas:
- 17 (A) Career and technical education.
- 18 (B) Visual or performing arts education; or
- 19 (C) World languages education.
- 20 (7) Four elective course credits in any combination of the following content areas:
- 21 (A) Career and technical education;
- 22 (B) Visual or performing arts education;
- 23 (C) Reserve Officer Training Corps ("ROTC"); or
- 24 (D) Any other content area.
- 25 (d) A student who first enrolled in Grade 9 in the 2026-2027 school year or thereafter shall earn a total of 22 course
- 26 credits, including the following:
- 27 (1) Four course credits in the content area of English and language arts, which shall consist of:
- 28 (A) English I;
- 29 (B) English II;
- 30 (C) English III; and
- 31 (D) English IV
- 32 (2) Four course credits in the content area of mathematics, which shall consist of:
- 33 (A) NC Math I;
- 34 (B) NC Math II;
- 35 (C) NC Math III; and
- 36 (D) A fourth course credit aligned with the student's postsecondary plans.

- A student may, with the approval of the principal of the student's school, complete a CTE course approved by DPI in lieu of NC Math III.
- (3) Three course credits in the content area of science, which shall consist of:
- (A) Biology;
 - (B) One course in physical science; and
 - (C) One course in earth and environmental science.
- (4) Four course credits in the content area of social studies, which shall consist of:
- (A) Founding Principles of the United States of America and North Carolina: Civic Literacy;
 - (B) Economics and Personal Finance;
 - (C) American History; and
 - (D) World History.
- (5) One course credit in the content area of health and physical education, including completion of instruction in cardiopulmonary resuscitation ("CPR") as provided in G.S. 115C-81.25(c)(10).
- (6) One course credit in the content area of computer science, as prescribed in G.S. 115C-81.90. A student shall be exempt from this requirement if the student transfers from a nonpublic school or a school in another state to a North Carolina public school after completion of Grade 11, or if the student has been identified as a child with [disabilities] a disability and the student's IEP team determines that the student's disability would prevent the student from completing the course credit.
- (7) Two elective course credits in any combination of the following content areas:
- (A) Career and technical education.
 - (B) Visual or performing arts education; or
 - (C) World languages education.
- (8) Three elective courses any other content area.
- (e) A student who first enrolled in Grade 9 in the 2025-2026 school year shall have earned at least one course credit in visual or performing arts from Grade 6 through 12. A student shall be exempt from this requirement if the student transfers from a nonpublic school or a school in another state to a North Carolina public school in Grade 9 or thereafter and the requirement would prevent the student from graduating with the cohort of students to which the student was assigned upon transfer.
- (f) In determining whether a student who is the child of a military family has satisfied the requirements established by this Rule, the governing body of a public school unit shall consider and comply with all requirements of the Interstate Compact on Educational Opportunity for Military Children, codified at G.S. 115C-407.5.

History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; G.S. 115C-12(9c); 115C-12(9d); 115C-81.5; 115C-81.25; 115C-81.45; 115C-81.90; 115C-83.31; 115C-83.32;

Eff. December 1, 1999;

Amended Eff. January 2, 2006; April 1, 2005; September 1, 2002; December 1, 2001; December

- 1 *I, ~~2000.~~ 2000:*
- 2 *Readoption Eff. January 1, 2025.*

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06D .0508

DEADLINE FOR RECEIPT: December 6, 2024

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:

Regarding approval of alternative assessments (referenced on lines 9 through 17), are the process and standards for approval laid out in rule or statute?

On line 13, you've already defined SBE as State Board of Education, so you don't need it here, omit: ~~("SBE")~~.

On line 16, clarify which board shall be responsible for the expenses. Since the rule references both the board of directors for a charter school and the state board of education, I am not sure which is responsible.

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

16 NCAC 06D .0508 is amended as published in 39 NCR 174 as follows:

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

(a) ~~Local education agencies (LEAs)~~ The governing board of each public school unit shall enact third grade adopt retention and promotion policies for students in Grade 3 that are consistent with G.S. 115C-83.1, 83.3, and 83.7. Chapter 115C, Article 8, Part 1a of the General Statutes.

(b) ~~Pursuant to G.S. 115C-83.3(2), LEAs shall use the Read to Achieve test as the alternative assessment in connection with G.S. 115C-83.7 and 83.8. For the purpose of implementing the requirements of Chapter 115C, Article 8, Part 1a of the General Statutes, local school administrative units shall utilize the alternative assessment approved by the State Board of Education in accordance with G.S. 115C-83.3.~~

(c) The board of directors for a charter school may submit for approval by the State Board of Education ("SBE") an alternative assessment of its choice for use in satisfying the requirements of Chapter 115C, Article 8, Part 1a of the General Statutes, provided that the board does so no later than June 30 prior to the start of the school year in which it intends to use the alternative assessment. The board shall be responsible for any expenses associated with utilization of the alternative assessment.

(d) For purposes of supplemental tutoring offered in accordance with G.S. 115C-83.8(e), a student is identified as "retained twice" if the student was retained once in Kindergarten, Grade 1, Grade 2, or Grade 3, and was retained again in Grade 3 either by placement in a Grade 3 class or a combined Grades 3 and 4 class in which the student received Grade 3 instruction in reading.

*History Note: Authority G.S. 115C-12; 115C-83.1; 115C-83.3; 115C-83.7; 115C-83.7A; 115C-83.8; 115C-83.10;
Eff. July 1, 2014. 2014;
Amended Eff. January 1, 2025.*

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0304

DEADLINE FOR RECEIPT: December 6, 2024

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:

The form for this rule is not signed. Please provide a signed form.

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: December 2, 2024

16 NCAC 06G .0304 is readopted as published in 38:23 NCR 1504 as follows:

16 NCAC 06G .0304 SCHOOL IMPROVEMENT PLAN DISPUTE RESOLUTION PROCESS

(a) ~~In the event a~~ If a local board of education (board) does not accept a school's improvement plan within 60 days after the ~~school principal~~ initially submitted the plan to the board, the ~~local~~ board or the school (hereinafter collectively "the parties") ~~may request the SBE to mediate the disagreement~~ shall have 30 days to file a request with the SBE to resolve any disagreement over the plan. The request shall be signed by either the board chair or the principal. The principal shall represent the position of the school improvement team. The request shall include the school's proposed improvement plan, the board's proposed changes to that plan, and a summary of the disputed issues.

(b) ~~Either the principal of the school or the local board of education may submit a request for mediation to the Department, office of instructional and accountability services.~~

(c) ~~The request shall summarize the dispute issues. Both the principal of the school and the chair of the local board of education shall sign the request.~~

(d) ~~The office of instructional and accountability services shall review the request and shall inform the principal of the school and the chair of the local board of education of the time and place for the mediation.~~

(e) ~~The office of instructional and accountability services shall assign a mediator from persons who have been selected as assistance team members pursuant to G.S. 115C-105.31.~~

(f) ~~The mediator shall assist the parties to identify options for solving the disagreement.~~

(g) ~~If the mediator determines that the parties can reach an agreement, the mediator shall suggest language and shall write the agreement. Each party involved shall agree on each part.~~

(h) ~~Each party shall sign the agreement. The agreement shall become a part of the school's improvement plan. The school shall then submit the improvement plan to the local board of education for its approval.~~

The Superintendent of Public Instruction or the Superintendent's delegee shall appoint a decisionmaker to conduct and control all the proceedings related to the dispute and resolve the dispute.

(c) The decisionmaker shall give the parties the opportunity to submit evidence, state their arguments, and respond to the other party's evidence and arguments.

(d) If the parties reach a voluntary resolution of the dispute before the decisionmaker serves a signed school improvement plan on the parties under Subparagraph (e), they shall serve a school improvement plan signed by all the parties on the decisionmaker. The served plan shall become the school improvement plan.

(e) After the decisionmaker has given the parties the opportunity to submit evidence and arguments, the decisionmaker shall create a school improvement plan that consists of those components on which the parties agree and those components from either the school improvement team's proposed plan or the board's proposed plan that the decisionmaker determines are most likely improve student performance.

(f) Once the decisionmaker has signed the plan and served it on the parties, the decisionmaker's plan shall become the school improvement plan and shall constitute a final resolution of the dispute under G.S. 115C-105.20(b)(5).

1 (g) Any requests, notices, or correspondence from the decisionmaker or any party required or permitted under this
2 Rule shall be served on the other party and the decisionmaker in the manner prescribed in G.S. 1A-1, Rule 5 of the
3 North Carolina Rules of Civil Procedure.

4
5 *History Note: Authority G.S. 115C-12(9)c4; 115C-105.20(b)(5);*
6 *Eff. November 1, ~~1997~~, 1997;*
7 *Readoption Eff. January 1, 2025.*

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0307

DEADLINE FOR RECEIPT: December 6, 2024

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:

The form for this rule is not signed. Please provide a signed form.

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

1 16 NCAC 06G .0307 is readopted with changes as published in 38:23 NCR 1504 as follows:

2
3 **16 NCAC 06G .0307 LOCAL BOARD COOPERATION WITH ASSISTANCE TEAMS**

4 ~~(a) When performing its duties under G.S. 115C-105.38, each assistance team appointed by the SBE shall act in an~~
5 ~~advisory capacity to local school personnel, local school boards, and the SBE.~~

6 ~~(b) Local boards of education and local school employees shall cooperate with assistance teams in the performance of~~
7 ~~their ~~duties.~~ duties under G.S. 115C-105.38 and shall comply with all assistance team requests for access to~~
8 ~~information, documents, students, personnel and meetings.~~

9 ~~(c) Members of the assistance teams shall be subject to all confidentiality requirements that apply to local school~~
10 ~~employees.~~

11 ~~(d) In the event of a disagreement between the assistance team and the school improvement team, the assistance team~~
12 ~~may request help from the central office and the local board of education.~~

13 ~~(e) In carrying out its duty to evaluate employees, members of the assistance team shall:~~

14 ~~(1) be familiar with and follow the provisions of G.S. 115C-326;~~

15 ~~(2) use the appropriate form of the performance evaluation for the category of personnel being evaluated,~~
16 ~~such as teachers, support personnel, and administrators;~~

17 ~~(3) share its evaluation and recommendations with each employee and the employee's supervisor; and~~

18 ~~(4) notify the SBE of the evaluations for an employee who receives two consecutive evaluations by the~~
19 ~~assistance team that include findings and recommendations regarding the employee's inadequate~~
20 ~~performance.~~

21 ~~(f) An assistance team that is assigned by the SBE to a low performing school may at any time recommend to the SBE~~
22 ~~that a teacher, assistant principal, director, or supervisor be dismissed or demoted for one or more of the grounds~~
23 ~~established in G.S. 115C-325(e)(1). The SBE shall provide written notice to the employee of the grounds for the~~
24 ~~recommendation for dismissal or demotion.~~

25 ~~(g) In reviewing evaluations of a local school employee, the SBE may deem the evaluations of the assistance team to~~
26 ~~supersede previous evaluations of the employee.~~

27
28 *History Note: Authority G.S. 115C-12(9)c4;*

29 *Eff. January 2, 1998; 1998;*

30 *Readoption Eff. January 1, 2025.*

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0308

DEADLINE FOR RECEIPT: December 6, 2024

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:

The form for this rule is not signed. Please provide a signed form.

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: December 2, 2024

1 16 NCAC 06G .0308 is readopted as published in 38:23 NCR 1505 as follows:

2
3 **16 NCAC 06G .0308 DUE PROCESS PROTECTIONS FOR EMPLOYEES OF LOW PERFORMING**
4 **SCHOOLS**

5 (a) At any hearing conducted by a panel of the ~~SBE~~ State Board of Education (SBE) pursuant to the provisions of ~~G.S.~~
6 ~~115C-325(q)(1), (q)(2), or (q)(2a),~~ G.S. 115C-325(q) and G.S. 115C-325.11, the panel shall sit as an impartial tribunal
7 to receive evidence and to decide ~~on the basis of that evidence~~ based on a preponderance of that evidence whether the
8 principal, assistant principal, teacher, supervisor, ~~or~~ director, ~~or superintendent hereafter~~ (hereinafter referred to as
9 "the employee," "employee") shall be ~~reinstated, demoted, or dismissed.~~ The assistance team assigned to the school ~~or~~
10 district where the employee was assigned shall present the case against the employee with the assistance of any staff
11 or legal counsel appointed by the SBE.

12 (b) Both the employee and the assistance team shall have the right:

- 13 (1) to be represented by counsel at the hearing;
14 (2) to subpoena witnesses and documents;
15 (3) to examine and cross-examine witnesses under oath; and
16 (4) to present relevant evidence using witnesses and documents.

17 (c) The panel of the SBE which conducts the hearing shall:

- 18 (1) give written notice to the parties of the time and place of the hearing;
19 (2) make a complete record of the evidence received during the hearing; and
20 (3) issue subpoenas for witnesses and documents on behalf of any party to the proceedings; and
21 (4) ~~enter any procedural orders~~ make any procedural decisions.

22 (d) In any hearing pursuant to the provisions of ~~G.S. 115C-325(q)(2), or (q)(2a),~~ G.S. 115C-325(q) and
23 115C-325.11, the assistance team shall have the burden of proof ~~but, in accordance with G.S 115C-325(q)~~
24 or 115C-325.11, the findings and recommendations of the assistance team shall be substantial evidence of
25 the inadequate performance of the employee.

26 (e) The panel's decision shall contain:

- 27 (1) findings of fact;
28 (2) conclusions of law;
29 (3) a description of any disciplinary actions to be imposed on the employee; and
30 (4) a statement that the employee may file a notice of appeal to the full SBE within 10 days of receipt
31 of decision by mailing the notice to the State Board of Education's Office of General Counsel, 6301
32 Mail Service Center, Raleigh, NC 27699-6301., and emailing a copy of the notice of appeal to Office
33 of General for the State Board of Education.

34 (f) ~~Either the employee or the assistance team may within 10 days of notification of the panel's decision give notice~~
35 of appeal to the full SBE. The ~~An appeal from the SBE panel's decision to the full SBE shall be on the record, record,~~
36 with no arguments by counsel except in the form of ~~In accordance with a schedule set by the SBE, the employee may~~
37 submit a written briefs of no more than 25 pages 8,750 words. The assistance team may file a response of no more

1 than 8,750 words within seven business days after service of the employee's brief. Word counts shall conform to Rule
2 28(j) of the North Carolina Rules of Appellate Procedure and parties shall certify their word counts on the last page
3 of any brief. The SBE shall consider the appeal at its next regularly-scheduled meeting that is at least 20 days ~~following~~
4 after receipt of notice of the appeal and shall render a decision within 30 days after that meeting is adjourned, unless
5 the SBE determines that good cause, as defined by 26 NCAC 03 .0118, exists to extend the period those periods or
6 the SBE and all the parties agree to extend the any period. The members of the panel which sat and that decided the
7 case shall not be excluded from the full SBE hearing may fully participate in the appeal. The full SBE shall decide the
8 appeal based upon a preponderance of the evidence in the record. The SBE's decision shall include findings of fact,
9 conclusions of law, and a description of any disciplinary actions to be imposed on the employee. Appeal from the SBE
10 decision shall be in accordance with ~~G.S. 150B.~~ Chapter 150B of the General Statutes.

11 (g) ~~If Before~~ the SBE ~~appoints an interim superintendent,~~ ~~revokes thea~~ superintendent's license, or ~~dismisses~~
12 ~~terminates the contract of thea~~ superintendent pursuant to G.S. 115C-105.39(c)(2), the SBE shall provide the
13 superintendent with notice of how the superintendent has failed to cooperate with the assistance team or has otherwise
14 hindered the school's ability to improve. The superintendent shall have ten days to deliver a written response to the
15 charges. the superintendent shall not have the right to a hearing under this Rule but shall have the right to file a
16 contested case petition pursuant to the provisions of G.S. 150B. If the SBE decides to revoke the superintendent's
17 license or terminate the superintendent's contract, The the SBE shall make written findings to support those actions.
18 ~~any of these actions taken pursuant to the provisions of G.S. 115C-105.39(c).~~ The SBE's decision shall constitute a
19 final agency action subject to review under Chapter 150B of the General Statutes.

20 (h) If the SBE revokes or refuses to renew a teacher's license pursuant to G.S. 115C-296(d), the procedures set forth
21 in ~~16 NCAC 6C .0312~~ shall apply. Subchapter 06C, Section .0600 shall apply.

22 (i) Any requests, notices, or correspondence from the SBE or parties required or permitted under this Rule shall be
23 served on the SBE and any other party in the manner prescribed in G.S. 1A-1, Rule 5 of the North Carolina Rules of
24 Civil Procedure.

26 *History Note: Authority G.S. 115C-12(9)c4.; 115C 325(q); 115C-325.11; 115C-105.39(b); 115C-105.39(c);*
27 *Eff. January 2, 1998;*
28 *Amended Eff. August 1, 1999, 1999;*
29 *Readoption Eff. January 1, 2025.*

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06G .0317

DEADLINE FOR RECEIPT: December 6, 2024

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:

The form for this rule is not signed. Please provide a signed form.

*On page 2, line 31, you appear to have an errant hyphen between that and the. Change to “~~that the~~ **that the**”.*

*On page 2, line 32, the term “faithfully” appears out of place. Do you just mean “has the ability to **faithfully** implement”? If not, what does this mean?*

On page 3, line 25, you have “The SBE may approve”. May is a problematic word in rules, are there standards somewhere for when the SBE will or will not grant this extension? If not, replace with “will” or “shall”.

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

16 NCAC 06G .0317 is adopted with changes as published in 38:23 NCR 1506–1507 as follows:

16 NCAC 06G .0317 SCHOOL REFORM MODELS

(a) Definitions.

(1) “Academic Gain” means a school has achieved at least two of these benchmarks:

(A) the SBE has designated that the school meets or exceeds expected growth under G.S. 115C-83.15(f);

(B) 50% of the subgroups for which the SBE reports growth scores under GS 115C-83.15(d2) have a status of meets or exceeds expected growth; or

(C) the school has realized a net increase in its achievement score during any five-year cycle under the restart model.

(2) “Achievement Score” means the overall achievement score as defined in G.S. 115C-83.15(b).

(3) “Application” means a written request signed by the chair and superintendent of the local school administrative unit (LSAU) to implement a SRM that includes the name of the school to be operated under the SRM, the year in which the LSAU intends to implement the SRM, and a commitment to faithfully implement the Reform Implementation Plan (RIP) proposed for the school.

(4) “Continually Low Performing School” (CLPS) is defined in G.S. 115C-105.37A(a).

(5) “Education Management Organization” (EMO) is defined in 16 NCAC 06G .0523.

(6) “Indication of Growth” means the designation of growth as defined in G.S. 115C-83.15(f).

(7) “Low Performing School” is defined in G.S. 115C-105.37(a).

(8) “Restart Model” is defined in G.S. 115C-105.37B(a)(2).

(9) “School Reform Model” (SRM) means a “transformation model,” “restart model,” or “turnaround model”

(10) “Transformation Model” is defined in G.S. 115C-105.37B(a)(1).

(11) “Turnaround Model” is defined in G.S. 115C-105.37B(a)(3).

(b) A LSAU that wants to implement a transformation model in a CLPS shall submit to the State Board of Education (SBE) an application and an RIP that:

(1) describes how the LSAU will implement improvements in the four areas critical to transforming a CLPS listed in G.S. 115C-105.37B(a)(1);

(2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school;

(3) includes a proposed budget detailing the revenues and expenditures necessary to implement the RIP; and

(4) includes a timeline for implementing the RIP.

(c) A LSAU that wants to implement a restart model in a CLPS shall submit to the SBE an application and an RIP that:

- (1) describes how the LSAU will support the school in providing each student with the opportunity for a sound basic education;
 - (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school;
 - (3) describes how the LSAU will utilize operational flexibilities to increase academic achievement in the school;
 - (4) identifies the administrative barriers, such as teacher turnover, it believes contributed to the school's identification as a CLPS, and sets standards for measuring progress in reducing those barriers;
 - (5) states whether the LSAU will contract with an educational management organization ("EMO") to implement the restart model and provide:
 - (A) the name, address, email, and telephone number for the EMO;
 - (B) the website for the EMO;
 - (C) an explanation of how the services of the EMO will contribute to improved growth scores and achievement scores at the school;
 - (6) includes a proposed budget outlining the revenues and expenditures necessary to implement the RIP;
 - (7) includes a timeline for implementing the RIP; and
 - (8) includes a written commitment to implement the restart model for the duration of the five-year monitoring cycle described in paragraph (g) of this Rule.
- (d) An LSAU that wants to implement a turnaround model in a CLPS shall submit to the SBE an application and an RIP that:
- (1) describes the new governance structure to be implemented in the school;
 - (2) specifies the goals for increasing the achievement score, growth score, and subgroup growth scores in the school;
 - (3) describes the procedures that LSAU will use when removing staff, including due process protections where required by law;
 - (4) includes a proposed budget outlining the revenues and expenditures necessary to implement the RIP; and
 - (5) includes a timeline for implementing the RIP.
- (e) If an LSAU determines that no SRM has been or would be effective in removing the CLPS designation or otherwise concludes that closure of the CLPS is appropriate, it may close the school in accordance with G.S. 115C-72.
- (f) The SBE shall authorize the LSAU to implement the requested SRM if the SBE determines that the LSAU has the ability to faithfully implement the RIP and the LSAU is likely to operate the school in an educationally and economically sound manner to improve student learning. The LSAU shall operate the school under the authorized SRM until the SBE refuses to continue or removes the authorization.
- (g) An LSAU that has been authorized to implement a transformation or turnaround model shall submit an annual report to DPI by December 1 of each year describing and documenting changes in the school's growth score and achievement score within the preceding school year.

1 (h) An LSAU that has been authorized to implement restart model shall:

- 2 (1) include the operational flexibilities described in the RIP and any revisions to the RIP as action steps
3 in the School Improvement Plan, specifying the school year(s) in which the operational flexibilities
4 are to be utilized, and submit the School Improvement Plan to the SBE for review and approval in
5 accordance with G.S. 115C-105.37A(a);
- 6 (2) by December 1st of the second year and every year after, submit an annual report that shall include
7 descriptions and documentation of how the school utilized the operational flexibilities authorized in
8 the restart model in the past year and how it intends to utilize authorized operational flexibilities in
9 the future; and
- 10 (3) by January 31st of year five of any five-year restart model cycle submit a report describing and
11 documenting:
- 12 (A) all policies, guidelines, or directives it adopted to implement the restart model;
- 13 (B) all changes in growth scores and achievement scores along with the LSAU's explanation
14 for those changes; and
- 15 (C) all efforts to reduce administrative barriers identified in the RIP and all measurable changes
16 to those barriers attributable to those efforts.

17 (i) Upon the LSAU's request, the SBE may reduce the reporting requirements in paragraph (h), if the SBE determines
18 that the reduced reporting requirements would not compromise the SBE's ability to make decisions regarding the
19 implementation of the restart model in the school. The SBE retains the authority to require LSAU's to report any
20 information relevant to SBE decisions regarding the implementation of the restart model in the school.

21 (j) If an LSAU desires to continue to operate a school that has an indication of growth of not met and a net negative
22 achievement score from Year 1 to Year 4 of any five-year cycle under the restart model, the LSAU shall submit an
23 application for continued authorization by February 28th along with a revised RIP that addresses the perceived causes
24 of the decline in the school's growth score and achievement score. The application shall include a commitment to
25 cooperate with oversight and support from DPI during the term of the restart model. The SBE may approve the
26 application and continue the authorization for a period up to five-years if the SBE determines the school is more likely
27 to achieve progress under the revised RIP than it is if the application for reauthorization is denied. If the SBE approves
28 the application for continued authorization, the LSAU shall, by May 31st of the school year following said approval
29 and each year thereafter, submit evidence of how the LSAU has supported the school's operation under the restart
30 model and use of operational flexibilities have helped to improve its growth and achievement scores.

31 (k) If, at the end of Year 5, a school has realized academic gain, the LSAU may submit an application by February
32 28th to continue operating the school under the restart model with the same RIP or a revised RIP. The SBE may
33 approve the application and continue the authorization for another five-year cycle unless the SBE determines that
34 continuing to operate the school under the restart model is likely to result in a lower indication of growth or
35 achievement scores.

36 (l) If, at the end of Year 5, a school is no longer a CLPS and the SBE has determined that the school has met or
37 exceeded growth under 115C-83.15(f), the LSAU may submit an application by February 28th to continue operating

1 the school under the approved restart model the same RIP or a revised RIP. The SBE may approve the application and
2 continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school
3 under the SRM is likely to result in lower indication of growth or achievement scores.

4 (m) The SBE may refuse to continue or remove a authorization to operate a school under a SRM whenever it determines
5 that:

- 6 (1) the school has failed to realize the academic goals in the RIP and the failure to reduce administrative
7 barriers that contributed to the school's identification as a CLPS means the school is unlikely to
8 realize those goals within the next two years;
- 9 (2) the LSAU has failed to comply with applicable state or federal laws, has failed to provide the SBE
10 with required reports, or failed to submit the School Improvement Plan for SBE approval as required
11 in (h)(1) of this Rule;
- 12 (3) a school operating under the restart model has failed to meet expected growth under GS 115C-
13 83.15(f) and the school has demonstrated a net negative change in its achievement score after Year
14 4 of any five-year cycle and is unlikely to realize academic gain within the next two years;
- 15 (4) the LSAU requests removal of the authorization and the SBE determines that the school is more
16 likely to realize greater growth scores or achievement scores without the authority to operate under
17 the approved SRM; or
- 18 (5) if the LSAU continues to operate the school under the approved SRM, the school is likely to fail to
19 meet expected growth under G.S. 115C-83.15(f) and realize lower achievement scores in the next
20 two years.

21
22 *History Note: Authority G.S. 115C-105.37B(b);*

23 *Eff. ~~November 1, 2024.~~ January 1, 2025.*