

Burgos, Alexander N

Subject: FW: [External] Re: State Board of Education Request for Changes - December 2024

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Tuesday, December 10, 2024 1:16 PM

To: Collins, Ryan <Ryan.Collins@dpi.nc.gov>; Ziko, Thomas <Thomas.Ziko@dpi.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] Re: State Board of Education Request for Changes - December 2024

I have reviewed your responses and changes for the permanent rules on December's agenda. You have addressed the concerns I had and I anticipate recommending approval of the revised versions of these rules at December's meeting. I'll let you know if anything changes.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: [External] Re: State Board of Education Request for Changes - December 2024

From: Ascher, Seth M <seth.ascher@oah.nc.gov>

Sent: Monday, December 9, 2024 2:58 PM

To: Collins, Ryan <Ryan.Collins@dpi.nc.gov>; Ziko, Thomas <Thomas.Ziko@dpi.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] Re: State Board of Education Request for Changes - December 2024

Ryan (and Tom),

I will look these over and let you know where we stand.

For reference, the finding of need for temporary and emergency rules have to be signed by the agency head by statute (G.S. 150B-21.1A(b), G.S. 150B-21.1 (a4)).

To be included in the code, rules have to be signed by "the head of the agency or the rule-making coordinator for the agency that adopted the rule." (G.S. 150-21.19(2)).

So, in effect forms for permanent rules can be signed the agency head or the rule-making coordinator. For temporary and emergency rules, the form includes the "finding of need" so they have to be signed by the agency head.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: [External] Re: State Board of Education Request for Changes - December 2024
Attachments: Form 0400 - 16 NCAC 06G .0304 (SIP Dispute Resolution Process).pdf; Form 0400 - 16 NCAC 06G .0307 (Local Board Cooperation).pdf; Form 0400 - 16 NCAC 06G .0308 (Due Process Protections for Employees of Low Performing Schools).pdf; Form 0400 - 16 NCAC 06G .0317 (School Reform Models).pdf; 16 NCAC 06A .0201 (Definitions).docx; 16 NCAC 06D .0501 (Definitions).docx; 16 NCAC 06D .0508 (Read to Achieve Program).docx; 16 NCAC 06G .0317 (School Reform Models).docx; SBE December 2024 RFC (Agency Response).docx

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Friday, December 6, 2024 4:50 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Ziko, Thomas <Thomas.Ziko@dpi.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: State Board of Education Request for Changes - December 2024

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.

Good Afternoon, Seth,

I have attached our agency response to the Request for Changes. I believe I have adequately addressed the concerns related to Rules 06A .0201, 06D .0501, and 06D .0503, and attached revised versions of the rules where needed. I have also attempted to address the concerns with respect to Rules 06D .0508 and 06G .0317 and have attached updated versions of those rules here.

I will be out of the country from December 8 to December 22 and will not have access to my work email during this time. I am hopeful that you will recommend approval of all rules based on our response, but if you still have concerns about our response to any of them, please reach out to my colleague, Tom Ziko, to attempt a resolution. If a quick resolution is not possible, I would ask that any rules that you recommend for approval go forward at the December RRC meeting and that consideration of the rest be delayed until January to allow us more time to address remaining concerns. Tom will also attend the December RRC meeting virtually in case questions come up.

I have also included signed copies of the forms that lacked signatures. I have no idea what happened there, as I was certain I had sent the signed copies. For future reference, is it necessary for the agency head to sign a Form 0400 or is the rulemaking coordinator sufficient? I had assumed it was needed since the agency head is required to sign off on findings of need for emergency and temporary rules, but it appears from the form that the rulemaking coordinator can sign a permanent rule submission.

Happy Holidays!

Ryan

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

Assistant General Counsel

North Carolina State Board of Education

ryan.collins@dpi.nc.gov

984.236.2255 (o)



NORTH CAROLINA
State Board of Education
Department of Public Instruction

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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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 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)”?

The intention was that “educator” would mean “professional educator” as defined in statute, with the anticipation that “educator” will be used as shorthand. Upon further review, I have removed “educator” and will advise the SBE to consistently use “professional educator” in rules.

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

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.”

I have made this change.

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?

That definition was created during an earlier stage of drafting this set of rule changes when it was anticipated to be necessary. The final version of the rules did not end up referencing the Standard Course of Study, so I agree that it is no longer necessary. I will delete the definition from the rule.

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

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.

It is short for career and technical education. Both the term and the abbreviation are defined in 16 NCAC 06D .0501(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

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?

G.S. 115C-83.6 provides that “Kindergarten, first, second, and third grade students shall be assessed with valid, reliable, formative, and diagnostic reading assessments made available to local school administrative units by the State Board of Education pursuant to G.S. 115C-174.11(a).” That sets forth some additional requirements for such assessments, including that they “shall address oral language, phonological and phonemic awareness, phonics, vocabulary, fluency, and comprehension using developmentally appropriate practices.” Legislation enacted in 2023 also prohibits the use of the “three-cueing” system, which is defined as “a model of teaching students to read based on meaning, structure and syntax, and visual cues, also known as ‘MSV,’ ” G.S. 115C-83.3(9a) in various types of assessments and interventions, *see. e.g.,* G.S. 115C-83.4B, 115C-83.12.

Students in third grade who fail to demonstrate reading proficiency at that grade level are generally required to be retained in third grade. G.S. 115C-83.7(a). However, a student may be exempt from mandatory retention in a variety of ways, including by demonstrating reading proficiency on an SBE-approved alternative assessment. G.S. 115C-83.7(b).

G.S. 115C-83.3(2) defines “alternative assessment” as “a valid and reliable standardized assessment of reading comprehension, approved by the State Board of Education, that is not the same test as the State-approved standardized test of reading comprehension administered to third grade students. The State Board of Education shall provide the valid and reliable alternative assessment to local school administrative units upon request and establish achievement level ranges for the approved alternative assessment. The State Board of Education shall annually review the alternative assessment to ensure ongoing relevance, validity, and reliability.”

Seth Ascher
Commission Counsel

Date submitted to agency: December 2, 2024

Thus, the standards for approval for any alternative assessment include that it be valid, reliable, and relevant in assessing reading comprehension. Other requirements attendant to the standard-approved standardized test, including the prohibition against three-cueing and the requirement to “address oral language, phonological and phonemic awareness, phonics, vocabulary, fluency, and comprehension using developmentally appropriate practices,” G.S. 115C-83.6(b), apply as well. I have added a sentence to the proposed rule to clarify these requirements.

The current SBE-approved alternative assessment is STAR Reading, which is a vendor-provided assessment that was selected through an RFP process. This process, combined with the extensive statutory scheme governing the Read to Achieve Program, provides sufficient procedures and standards for approval of the alternative assessment.

Upon further discussion with DPI staff in an effort to address this Request for Changes, I have clarified that charter schools are simply required to notify the SBE of their intent to use an alternative assessment other than the SBE-approved assessment, or they can use the SBE-approved assessment. Charter schools are otherwise governed by G.S. 115C-218.85(b) with respect to this issue. I have also verified that a school operating under the Restart Model in accordance with 16 NCAC 06G .0317 (which basically allows them to operate with charter school-like flexibility) and laboratory schools accepting state funding for the Read to Achieve program are given the same flexibility with choosing an alternative assessment. I have made these changes to the rule and added some additional statutory authority.

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

Changes to this paragraph pursuant to the above have eliminated this reference but it has otherwise been noted.

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.

The charter school board of directors is responsible. I have also verified are also only required to pay for the cost of the assessment if they do not use the SBE-approved assessment. I have clarified this in the rule.

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 .0304

DEADLINE FOR RECEIPT: December 6, 2024

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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.

I have included a signed copy with this response. I apologize for the oversight.

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

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

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Seth Ascher
Commission Counsel
Date submitted to agency: December 2, 2024

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

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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

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

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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.

I have included a signed copy with this response. I apologize for the oversight.

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

I have made this change.

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?

I have deleted this word as it is unnecessary.

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”.

The standard appears in the second part of the sentence: “The SBE may approve the application and continue the authorization for a period up to five-years if the SBE determines the school is more likely to achieve progress under the revised RIP than it is if the application for reauthorization is denied.”

Requiring a school that has failed to improve under a restart model for four years to prove that students’ chances of success under a new RIP are better than if the school reverts to the standard operating system is a reasonable restriction on the exercise of SBE discretion. This is particularly true in this case because the General Assembly has explicitly granted the SBE the authority to exercise its discretion in the administration of these complex education models. G.S. 115C-105.37B(a) specifically says that even after the SBE has approved an application to reform a school the SBE retains the discretion to authorize the local board to adopt a reform model:

Seth Ascher

Commission Counsel

Date submitted to agency: December 2, 2024

“If the State Board of Education approves a local board of education’s request to reform a school, the State Board of Education may authorize the local board of education to adopt one of the following models in accordance with State Board of Education requirements[.]”

There are similar standards for other discretionary acts later in the rule. For example:

Page 3, line 17: “(i) Upon the LSAU’s request, the SBE may reduce the reporting requirements in paragraph (h), if the SBE determines that the reduced reporting requirements would not compromise the SBE’s ability to make decisions regarding the implementation of the restart model in the school.”

Page 3, line 32: “The SBE may approve the application and continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the restart model is likely to result in a lower indication of growth or achievement scores.”

Page 4, line 1: “The SBE may approve the application and continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the SRM is likely to result in lower indication of growth or achievement scores.”

In each case, the SBE’s exercise of discretion is limited to a standard of proof appropriate for the decision. The SBE believes that the General Assembly intended it to retain at least this limited amount of discretion in the administration of the school reform models.

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

1 16 NCAC 06A .0201 is adopted with changes 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.

1 (22) "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade
2 12 in any public school unit.
3
4 *History Note:* *Authority G.S. 115C-5; 115C-12; 115C-150.10; 115C-218; 115C-238.61; 115C-270.1;*
5 *Eff. January 1, 2025.*

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

SECTION .0500 – DEFINITIONS PROMOTION AND GRADUATION

16 NCAC 06D .0501 DEFINITIONS

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

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

16 NCAC 06D .0508 is amended with changes 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. Any alternative assessment approved
by the SBE shall include the requirements listed in G.S. 115C-83.6(b) and shall not include the use of a “three-
cueing system” as defined in G.S. 115C-83.3(9a).

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

(d) The provisions of Paragraph. (c) shall also apply to the following:

(A) a local board of education, with respect to any school under the local board’s jurisdiction that
has been authorized to operate under the Restart Model in accordance with 16 NCAC 06G .0317.

(B) a chancellor, with respect to any school operated as a laboratory school under Chapter 116, Article
29A of the General Statutes, if the chancellor accepts funding appropriated by the General
Assembly to support the Read to Achieve program.

~~(d)~~ (e) 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-83.6; 115C-83.7; 115C-83.7A;
115C-83.8; 115C-83.10; 115C-174.11; 115C-218.85;
Eff. July 1, 2014. 2014;
Amended Eff. January 1, 2025.

1 16 NCAC 06G .0317 is adopted with changes as published in 38:23 NCR 1506–1507 as follows:

2
3 **16 NCAC 06G .0317 SCHOOL REFORM MODELS**

4 (a) Definitions.

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

6 (A) the SBE has designated that the school meets or exceeds expected growth under G.S. 115C-
7 83.15(f);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (4) includes a timeline for implementing the RIP.

35 (c) A LSAU that wants to implement a restart model in a CLPS shall submit to the SBE an application and an RIP
36 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~~ 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

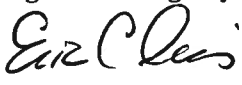
1 the school under the approved restart model the same RIP or a revised RIP. The SBE may approve the application and
2 continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school
3 under the SRM is likely to result in lower indication of growth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

4 (m) The SBE may refuse to continue or remove 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.*

SUBMISSION FOR PERMANENT RULE


1. Rule-Making Agency: State Board of Education	
2. Rule citation & name (name not required for repeal): 16 NCAC 06G .0304 (School Improvement Plan Dispute Resolution Process)	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 6/3/24 Link to Agency notice: https://files.nc.gov/oah/documents/2024-06/Volume-38-Issue-23-June-3-2024.pdf?VersionId=YAKuzsmCDDT33fVEXIHBmiNMvDjhFQl0 Hearing on: 6/21/24 Adoption by Agency on: 9/5/24 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: G.S. 115C-12(9)c4 and 115C-105.20(b)(5) give the SBE authority to adopt this rule. The amendments to 16 NCAC 06G. 0304 change the purpose of appeals of disputes over school improvement plans from a mediation procedure to a dispute resolution hearing. The amendments are necessary to satisfy the SBE's obligation under G.S. 115C-105-20(b)(5), which states the SBE shall: Establish a process to resolve disputes between local boards and schools in the development and implementation of school improvement plans under G.S. 115C-105.27. This process shall provide for final resolution of the disputes. The amendments establish procedures for a school or a local school board to appeal a dispute over a school improvement plan to a decisionmaker appointed by the Superintendent of Public Instruction. The decisionmaker will supervise an evidentiary hearing and, absent a timely settlement between the parties, create a school improvement plan that is binding on the school and the local school board. Other amendments delete directives to the Department of Public Instruction which are not properly included in rules. G.S. 150B-2(8a)a.	
10. Rulemaking Coordinator: Thomas J. Ziko Phone: 984-236-1040 E-Mail: thomas.ziko@dpi.nc.gov Additional agency contact, if any: Ryan M. Collins Phone: 984-236-2255 E-Mail: ryan.collins@dpi.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Eric C. Davis Title: Chairman
RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE


1. Rule-Making Agency: State Board of Education	
2. Rule citation & name (name not required for repeal): 16 NCAC 06G .0307 (Local Board Cooperation with Assistance Teams)	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 6/3/24 Link to Agency notice: https://files.nc.gov/oah/documents/2024-06/Volume-38-Issue-23-June-3-2024.pdf?VersionId=YAKuzsmCDDT33fVEXIHBmiNMvDjhFQl0 Hearing on: 6/21/24 Adoption by Agency on: 9/5/24 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: G.S. 115C-12(9)c4 gives the SBE authority to adopt this rule. The amendments to 16 NCAC 06G .0307 are technical, not substantive. G.S. 115C-105.38 (b)(1) gives assistance teams the power to “[r]eview and investigate all facets of school operations.” The amendments to 16 NCAC 06G .0307(a) clarify that local boards of education obligation to cooperate include the specific obligation to comply with the assistance teams requests for and access to “information, documents, students, personnel and meetings.” The amendments to paragraphs (c), (d), (e), and (f) delete directives related to the internal management of DPI because internal agency directives are not properly included in rules. G.S.150B-2(8a)a.	
10. Rulemaking Coordinator: Thomas J. Ziko Phone: 984-236-1040 E-Mail: thomas.ziko@dpi.nc.gov Additional agency contact, if any: Ryan M. Collins Phone: 984-236-2255 E-Mail: ryan.collins@dpi.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;">  </div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Eric C. Davis Title: Chairman
RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

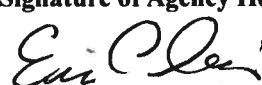
1. Rule-Making Agency: State Board of Education	
2. Rule citation & name (name not required for repeal): 16 NCAC 06G .0308 (Due Process Protections for Employees of Low Performing Schools)	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READoption <input type="checkbox"/> REPEAL through READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 6/3/24 Link to Agency notice: https://files.nc.gov/oah/documents/2024-06/Volume-38-Issue-23-June-3-2024.pdf?VersionId=YAKuzsmCDDT33fVEXIHBmiNMvDjhFQl0 Hearing on: 6/21/24 Adoption by Agency on: 9/5/24 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: G.S. 115C-12(9)c4.; 115C 325(q); 115C-325.11; 115C105.39(b); and 115C-105.39(c) give the SBE authority to adopt this rule. The amendments to 16 NCAC 06G .0308(g) state that before the SBE revokes a superintendent's license or terminates a superintendent's contract the SBE shall give the superintendent notice of how the superintendent has failed to cooperate with the assistance team or has otherwise hindered the school's ability to improve. The superintendent shall have ten days to deliver a written response to the charges. The other amendments to 16 NCAC 06G .0308 are technical changes to assure that assistance team or SBE decisions to demote or dismiss employees in low performing schools are made in accordance with the due process rights of the employees. To assure an orderly and uniform decision-making process, the amendments also specify the procedures applicable to employee appeals.	
10. Rulemaking Coordinator: Thomas J. Ziko Phone: 984-236-1040 E-Mail: thomas.ziko@dpi.nc.gov Additional agency contact, if any: Ryan M. Collins Phone: 984-236-2255 E-Mail: ryan.collins@dpi.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Eric C. Davis Title: Chairman
RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: State Board of Education	
2. Rule citation & name (name not required for repeal): 16 NCAC 06G .0317 (School Reform Models)	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 6/3/24 Link to Agency notice: https://files.nc.gov/oah/documents/2024-06/Volume-38-Issue-23-June-3-2024.pdf?VersionId=YAKuzsmCDDT33fVEXIHBmiNMvDjhFQl0 Hearing on: 6/21/24 Adoption by Agency on: 11/7/24 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact ($\geq \$1,000,000$) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: G.S. 115C-105.37B(b) gives the SBE authority to adopt this rule. 16 NCAC 06G .0317 codifies existing State Board of Education policies governing implementation of the school reform models available under G.S. 115C-105.37B. The rule governs the content of an LSAU's request for authorization to adopt a school reform model, the SBE's initial authorization, continuation, or removal of authority to implement that school reform model, and LSAU reporting requirements while operating under the approved school reform model. If the school is not realizing the desired results, the SBE can remove the LSAU's authority to operate the school under the school reform model and require the LSAU to return to "normal" school operations. If a LSAU has improved student performance in a school operating under a restart model and requests to continue operating the school under the restart model, the SBE may continue the authorization for another five-year cycle unless the SBE determines that continuing to operate the school under the restart model is likely to result in lower indication of growth or achievement scores.	
10. Rulemaking Coordinator: Thomas J. Ziko Phone: 984-236-1040 E-Mail: thomas.ziko@dpi.nc.gov Additional agency contact, if any: Ryan M. Collins Phone: 984-236-2255 E-Mail: ryan.collins@dpi.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Eric C. Davis Title: Chairman
RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

Action taken:

- ☐ RRC extended period of review:
- ☐ RRC determined substantial changes:
- ☐ Withdrawn by agency
- ☐ Subject to Legislative Review
- ☐ Other:

Burgos, Alexander N

From: Ascher, Seth M
Sent: Monday, December 2, 2024 11:59 AM
To: Collins, Ryan; Ziko, Thomas
Cc: Burgos, Alexander N
Subject: State Board of Education Request for Changes - December 2024
Attachments: SBE December 2024 RFC.docx

Follow Up Flag: Follow up
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Good afternoon,

I'm the attorney who reviewed the Rules submitted by the State Board of Education for the December 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, December 19, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite 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 evites out to them as well.

Attached is the 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 December 6, 2024.

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

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

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