

Burgos, Alexander N

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Thursday, October 9, 2025 2:20 PM
To: Rules, Oah
Cc: Wiggs, Travis C; Burgos, Alexander N
Subject: [External] Temporary Rule for RRC Review
Attachments: 16 NCAC 06C .0110 (Qualifications of School Nurses) - For Publication in NCAC.docx

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Good Afternoon,

Please find attached a temporary rule adopted by the State Board of Education for review by the Rules Review Commission at its upcoming meeting.

Sincerely,

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

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1 16 NCAC 06C .0110 is adopted with changes under temporary procedures as follows:

2
3 **16 NCAC 06C .0110 QUALIFICATIONS OF SCHOOL NURSES**

4 (a) Any person employed ~~by~~ or contracted to serve as a school nurse in a North Carolina public school shall meet all
5 qualifications established by the State Board of ~~Education~~. Education (“SBE”). At minimum, the person shall:

- 6 (1) Be licensed as a registered nurse under Chapter 90, Article 9A of the General Statutes and have at
7 least two years of experience serving as a nurse in a hospital or health clinic; or
8 (2) Be certified by the American Nurses Credentialing Center or the National Board for Certification
9 of School Nurses.

10 A school nurse who meets either of these qualifications shall be paid under the certified school nurse pay scale as
11 established by the SBE.

12 (b) Any person employed or contracted to serve as a school nurse in a North Carolina public school shall complete all
13 training requirements established by the SBE. At minimum, the person shall:

- 14 (1) Within six months of starting employment ~~by~~ or a contract by with a PSU, public school unit
15 (“PSU”), complete the School Nurse Orientation Modules offered by the North Carolina
16 Department of Health and Human Services (“DHHS”); and
17 (2) Within two years of starting employment ~~by~~ or a contract by with a PSU, complete the School Nurse
18 Roles and Responsibilities course offered by DHHS.

19 (c) The person shall provide proof of completion of these training requirements to the employing or contracting PSU
20 by the established deadline. If the person completed these requirements prior to employment or contract with the PSU,
21 the person is not required to repeat those requirements so long as proof of completion is provided to the PSU.

22 (d) Nothing in this Rule shall be construed to prevent a PSU from requiring additional qualifications or training for a
23 school nurse under its employment or ~~contract, or to supersede the qualifications, training, or continuing education~~
24 ~~requirements for registered nurses under Chapter 90, Article 9A of the General Statutes.~~ contract.

25 (e) This Rule applies to school nurses initially hired or contracted for on or after July 1, 2025.

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28 *History Note: Authority G.S. 115C-12(9); 115C-315;*
29 *Temporary Adoption Eff. November 7, 2025.*

Burgos, Alexander N

Subject: FW: [External] Re: 16 NCAC 06C .0110-October RRC Meeting-Request for Changes
Attachments: 10_2025-State Board of Education-Request for Technical Changes-Temporary Rule (agency response).docx; 16 NCAC 06C .0110 (Qualifications of School Nurses) - For Publication in NCAC.docx

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Thursday, October 9, 2025 10:04 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: [External] Re: 16 NCAC 06C .0110-October RRC Meeting-Request for Changes

You don't often get email from ryan.collins@dpi.nc.gov. [Learn why this is important](#)

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Good Morning Travis,

I am the rulemaking coordinator for the State Board of Education. Please make sure that future correspondence regarding this rule goes to me.

Thank you for your timely review of the proposed school nurses rule. I have attached your RFC with my responses and a copy of the revised rule. I will join the RRC Meeting virtually on 10/30 and will be available to answer questions.

Best,

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

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:
www.ncoah.com/rules/examples.html

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

Travis C. Wiggs
Commission Counsel
Submitted to Agency: October 8, 2025

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

AGENCY: State Board of Education

RULE CITATION: 16 NCAC 06C .0110

DEADLINE FOR RECEIPT: Wednesday, October 22, 2025

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:

Line 1, what are the specific “changes” to this Rule from what was published?

We deleted the word “by” in Paragraph (a). It was a small technical correction, so it was easy to overlook.

Line 5, is “At minimum” necessary? If so, why? If not, please delete it.

These are the minimum qualifications established by the SBE. As further explained in Paragraph (d), PSUs are free to impose additional qualifications under their inherent authority to set qualifications for their own employees not inconsistent with those established by the SBE or state law.

Line 5, add “(SBE)” after “Education”.

I have made the change.

Lines 14 and 16, consider rephrasing (1) and (2) for clarity. i.e., “Within six months of beginning employment, or starting to work as a contractor for a PSU, successfully complete the ...”

I have rephrased those sentences to provide greater clarity.

Line 14, spell out “PSU” the first time it’s used in a Rule.

I have made the change.

Travis C. Wiggs
Commission Counsel
Submitted to Agency: October 8, 2025

Lines 21-23, what is your agency's authority to allow a PSU "to supersede the qualifications, training, or continuing education requirements for registered nurses under Chapter 90, Article 9A of the General Statutes"?

Upon further review, we have concluded that the language quoted above is superfluous and perhaps could be misinterpreted as allowing PSUs to set higher requirements for *registered* nurses. The intent of this paragraph is to allow them to set additional qualifications and training requirements for *school* nurses, not inconsistent with the SBE minimum standards and other applicable law. We believe this is adequately captured by the first clause of that sentence, so I have deleted the language quoted above.

Please confirm that you have consulted in accordance with G.S. 115C-270.5(b).

Consultation with PEPSC is not required for this rule because school nurses are not licensed by the State Board of Education. Consultation with PEPSC is only required for licensure rules adopted pursuant to Chapter 115C, Article 17E. This rule is adopted pursuant to G.S. 115C-315(d2).

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

Travis C. Wiggs
Commission Counsel
Submitted to Agency: October 8, 2025

1 16 NCAC 06C .0110 is adopted with changes under temporary procedures as follows:

2
3 **16 NCAC 06C .0110 QUALIFICATIONS OF SCHOOL NURSES**

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27

28 *History Note: Authority G.S. 115C-12(9); 115C-315;*

29 *Temporary Adoption Eff. MM DD YY.*

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Thursday, October 9, 2025 2:13 PM
To: Collins, Ryan
Cc: Burgos, Alexander N
Subject: RE: [External] Re: 16 NCAC 06C .0110-October RRC Meeting-Request for Changes

Yes, my apologies.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Thursday, October 9, 2025 1:11 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 16 NCAC 06C .0110-October RRC Meeting-Request for Changes

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Travis,

To clarify, should that effective date by November 7, rather than October 7?

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

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, October 9, 2025 11:49 AM
To: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: 16 NCAC 06C .0110-October RRC Meeting-Request for Changes

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Mr. Collins,

In your History Note, the effective date, under G.S. 150B-21.1(b), will be the 6th business day following receipt of the Rule from the RRC. I anticipate the effective date to be October 7, 2025. Please add the date to the Rule.

I'm otherwise satisfied with the changes to this Rule. Please email the rule, with revisions, to oah.rules@oah.nc.gov by October 17th at 5pm for RRC review. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Ryan Collins <Ryan.Collins@dpi.nc.gov>
Sent: Thursday, October 9, 2025 10:04 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: [External] Re: 16 NCAC 06C .0110-October RRC Meeting-Request for Changes

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Thank you for your timely review of the proposed school nurses rule. I have attached your RFC with my responses and a copy of the revised rule. I will join the RRC Meeting virtually on 10/30 and will be available to answer questions.

Best,

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)



From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, October 8, 2025 5:16:56 PM
To: Eric Davis <Eric.Davis@dpi.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 16 NCAC 06C .0110-October RRC Meeting-Request for Changes

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Good afternoon,

I'm the attorney who reviewed the temporary rule submitted by the State Board of Education for the October 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, October 30, 2025, 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, please 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 the revised rule to me via email, no later than 5 p.m. on October 22, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

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