

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-59, Part II, Sec. (2)d. requires the State Board of Education to approve remote academic beginning with the 2023-24 school year. At its February 2023 meeting, the State Board of Education approved forty-two remote academies to begin operations in the 2023-24 school year. Local school administrative units need to know as soon as possible what rules will apply to the operation of the remote academies so that they can plan for the administration of those schools. Parents need to know as soon as possible what rules will govern the operation of those remote academies so that they can decide whether to enroll their children in remote academies in the 2023-24 school year. It is particularly important for parents to know whether there will be any additional costs associated with enrolling their children in remote academies. Once this temporary rule is in place, the difference between prohibited "rental fees" and permitted "damage fees" will be clear. Local school administrative units can then adopt local policies regarding recovering the cost for damage to essential devices and software and inform parents of those policies. Delaying adoption of this rule is contrary to the public interest because it would deprive both local school administrative units and parents of information necessary to plan for the opening of the remote academies in August 2023. Immediate adoption of the rule is required to give local school administrative units the time to communicate with parents about remote academies and to give parents the time to evaluate their children's educational opportunities and make decisions about whether to enroll their children in a remote academy for the 2023-24 school year.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

No – As defined in the rule, a "damage fee" is not a "charge for the rendering of any service or fulfilling of any duty to the public." G.S. 12-3.1(a). Nevertheless, on February 8, 2023, the agency submitted the attached request for consultation.

9. Rule-making Coordinator: Thomas Ziko

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10. Signature of Agency Head*:



* 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 Davis

Title: Chair, State Board of Education

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RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

1 16 NCAC 06G.0601 is adopted under temporary procedures as follows:

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3 **16 NCAC 06G .0601 REMOTE ACADEMIES HARDWARE AND SOFTWARE FEES**

4 (a) Definitions:

5 (1) "Damage fee" means "any mandatory payments that a local school administrative unit charges a
6 student enrolled in a remote academy for injury to, abuse of, or loss of hardware or software that the
7 local school administrative unit has provided to the student other than degradation arising from
8 normal use, wear and tear, provided the payments cannot exceed the actual cost of repair or fair
9 market value of the hardware or software, whichever is less."

10 (2) "Rental fee" means "any mandatory payments that a local school administrative unit requires
11 students enrolled in remote academies to make before the local school administrative unit will give
12 a student access to or possession of any hardware and software needed to participate in the remote
13 academy."

14 (b) Local administrative units shall not charge students enrolled in remote academies rental fees for use of hardware
15 or software needed to participate in the remote academy but may charge them damage fees.

16 *History Note: Authority G.S. § 115C-234.10(1)(b)*

17 *Eff. May 1, 2023*

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