

## SUBCHAPTER 06D - INSTRUCTION

### SECTION .0100 - CURRICULUM

#### 16 NCAC 06D .0101 DEFINITIONS

As used in this Subchapter:

- (1) "Competency goals" means broad statements of general direction or purpose.
- (2) "Course unit" means at least 150 clock hours of instruction for courses taught on a traditional schedule and at least 135 clock hours of instruction for courses taught on a block schedule. LEAs may award credit for short courses in an amount corresponding to the fractional part of a total unit.
- (3) "Curriculum guide" means a document prepared by the department for each subject or area of study listed in the standard course of study and many commonly offered electives, including competency goals, objectives and suggested measures.
- (4) "Diploma" means that document by which the LEA certifies that a student has satisfactorily completed all state and local course requirements and has passed the North Carolina Competency Test.
- (5) "Graduation" means satisfactory completion of all state and local course requirements and achievement of a passing score on the North Carolina Competency Test.
- (6) "Measures" means a variety of suggestions for ways in which the student may demonstrate ability to meet an objective.
- (7) "Objective" means a specific statement of what the student will know or be able to do.
- (8) "Proper test administration" means administration of tests adopted by the SBE for students, in accordance with Section .0300 of this Subchapter.
- (9) "Special education student" means a student enrolled in or eligible for participation in a special educational program.
- (10) "Standard course of study" means the program of course work which must be available to all public school students in the state.
- (11) "Transcript" means that document which provides a record of:
  - (a) all courses completed and grades earned;
  - (b) scores achieved on standardized tests; and
  - (c) participation in special programs or any other matter determined by the LEA.

*History Note:* Authority G.S. 115C-81;  
Eff. July 1, 1986;  
Amended Eff. April 1, 2002.

#### 16 NCAC 06D .0102 BASIC EDUCATION PROGRAM

*History Note:* Filed as a Temporary Amendment Eff. August 12, 1991 for a period of 180 days to expire on February 7, 1992;  
Authority G.S. 115C-12(9)c.; 115C-81;  
Eff. July 1, 1986;  
Amended Eff. March 1, 1992;  
Repealed Eff. June 1, 1996.

#### 16 NCAC 06D .0103 GRADUATION REQUIREMENTS

*History Note:* Authority G.S. 115C-12(9)c.; 115C-81(a); 115C-180; N.C. Constitution, Article IX, Sec. 5;  
Eff. July 1, 1986;  
Amended Eff. January 2, 1998; January 1, 1993; July 1, 1992;  
Temporary Amendment Eff. April 24, 1998;  
Temporary Amendment Expired February 9, 1999;  
Amended Eff. August 1, 1999;  
Repealed Eff. December 1, 1999.

#### 16 NCAC 06D .0104 EXIT DOCUMENTS

*History Note: Authority G.S. 115C-12(9)c.;*  
*Eff. July 1, 1986;*  
*Repealed Eff. June 1, 1996.*

#### **16 NCAC 06D .0105 USE OF SCHOOL DAY**

(a) Local boards of education are obligated both to assure that materials presented to students during the school day are related to the curriculum, and to preserve their discretion and the discretion of administrators and teachers to determine, within the limits of the prescribed curriculum, the materials to be presented to students during the school day and the times during which materials selected will be presented. Therefore, no local board of education may enter into a contract or agreement with any person, corporation, association or organization which:

- (1) limits or impairs its authority and responsibility, or the authority and responsibility of administrators and teachers, to determine the materials to be presented to students during the school day; or
- (2) limits or impairs its authority and responsibility, or the authority and responsibility of administrators and teachers, to determine the times during the school day when materials will be presented to students.

(b) Local boards of education are obligated to assure that students, as a consequence of the compulsory attendance laws, are not made a captive audience for required viewing, listening to, or reading commercial advertising. Therefore, no local board of education may enter into any contract or agreement with any person, corporation, association or organization pursuant to which students are regularly required to observe, listen to, or read commercial advertising. This Rule does not prohibit local boards of education, teachers or administrators from requiring students from time to time to observe, listen to, or read educational materials that contain commercial advertising. This Rule also shall not prohibit the regular study of advertising as an academic subject.

(c) This Rule shall apply both retroactively and prospectively. Any contract or agreement previously made in contravention of this Rule is declared void and unenforceable.

*History Note: Filed as a Temporary Amendment Eff. February 19, 1990, for a period of 180 days to expire on August 18, 1990;*  
*Filed as a Temporary Rule Eff. February 8, 1990, for a period of 180 days to expire on August 7, 1990;*  
*Authority N.C. Constitution, Article IX, Sec. 5; G.S. 115C-1; 115C-2; 115C-12(9)c.; 115C-81;*  
*ARRC Objection Lodged February 15, 1990;*  
*ARRC Objection Lodged March 15, 1990;*  
*ARRC Objection Lodged June 21, 1990;*  
*Eff. November 1, 1990.*

#### **16 NCAC 06D .0106 LIMITED ENGLISH PROFICIENCY PROGRAMS**

(a) Each superintendent or his delegate shall:

- (1) identify resources available to serve limited English proficient students;
- (2) coordinate programs and services to these students and their parents in the local school administrative unit;
- (3) report to the SBE information concerning the identification, placement, and educational progress of these students; and
- (4) report funding needs for the provision of services to these students to the SBE.

(b) LEAs shall report annually to the SBE information including but not limited to the number of students whose primary home language is other than English, the number of limited English proficient students identified and receiving services, the nature of the services, the number of limited English proficient students receiving special education services and services for the academically gifted, and data required to be reported to the U.S. Department of Education.

(c) A home language survey shall be administered to every student at the time of enrollment and maintained in the student's permanent record. LEAs shall then identify and assess every limited English proficient student who needs assistance in order to have access to the unit's instructional programs. Each LEA which identifies limited English proficient students who need assistance shall adopt an effective method of determining the students' current level of English proficiency in order to determine what types of assistance are needed. The method used may be a combination of the following, unless some other method can be effectively substituted:

- (1) teacher observations;
- (2) teacher interview;
- (3) achievement tests;

- (4) review of student records;
- (5) parent information;
- (6) proficiency tests;
- (7) English as a second language teacher referral;
- (8) student course grades;
- (9) teacher referral or recommendation;
- (10) criterion-referenced tests;
- (11) grade retention or deficiency report;
- (12) informal assessment or screening;
- (13) portfolio-based assessment; and
- (14) alternative assessments such as cloze and dictation.

(d) LEAs shall adopt a program or programs for limited English proficient students who need assistance which have a reasonable chance of allowing students to progress in school. The program may be one of the following unless some other method or process can be effectively substituted:

- (1) English as a second language (ESL);
- (2) bilingual education;
- (3) programs which provide neither instruction in the native language nor direct instruction in ESL but which adapt instruction to meet the needs of these students.

Program entry criteria shall be developed which take into account the student's educational background, English language proficiency, native language proficiency, and content area knowledge. LEAs shall conduct a program evaluation annually.

(e) LEAs shall adopt appropriate evaluative standards for measuring the progress of limited English proficient students in school. In order to determine when students no longer need assistance, the LEA shall determine the content knowledge and language skills necessary for successful functioning in the regular classroom. Then, multiple instruments as well as teacher judgment may be used to evaluate English listening and speaking skills, English literacy skills, and content area knowledge. The students shall not be maintained in alternative language programs longer than necessary based on program exit criteria but shall be monitored after exiting such programs for a minimum of six months and additional academic and English language support shall be provided if the students begin to have difficulty.

(f) LEAs shall monitor the progress of limited English proficient students in English proficiency and in the BEP. When a limited English proficient student is not making progress in school, the LEA shall conduct an evaluation of the student's program and make modification as needed.

(g) Limited English proficient students shall participate in the statewide testing programs in accordance with 16 NCAC 6D .0301.

(h) LEAs shall promote the involvement of parents of students of limited English proficiency in the educational program of their children. LEAs shall notify national origin minority group parents of school activities which are called to the attention of other parents and these notices shall be provided in the home language if feasible.

(i) LEAs shall ensure that limited English proficient students are not assigned to or excluded from special education programs because of their limited English language proficiency. Evaluation, placement, and notification to parents of students with special needs shall be conducted in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. ' 1401 et seq. and its implementing regulations at 34 C.F.R. Part 300.

(j) LEAs shall ensure that limited English proficient students are not categorically excluded from programs for the academically gifted and other specialized programs or support services such as guidance and counseling due to limited English proficiency.

(k) LEAs shall ensure that limited English proficient students are educated in the least segregative manner based on the educational needs of the student and these students shall be included in all aspects of the regular school program in which they can perform satisfactorily.

(l) The Department shall monitor the progress of LEAs in providing programs to all limited English proficient students using the same procedures and standards as provided in Title I - Helping Disadvantaged Children Meet High Standards, 20 U.S.C. ' 6301 et seq.

(m) The Department shall make available a list to all LEAs of teachers licensed in English as a Second Language (ESL). ESL training and add-on ESL licensure for teachers currently licensed in areas other than ESL is an appropriate strategy to obtain qualified staff.

(n) Each LEA may consider joint agreements with other LEAs to provide programs to limited English proficient students.

(o) Each LEA may coordinate services with those available at local community colleges in order to maximize efficient delivery of services to limited English proficient students and their parents.

(p) The Department shall administer the Teacher Education Program Approval process so as to ensure that all participants have an opportunity to gain an understanding of and develop strategies for addressing the educational needs of limited English proficient students. The Department shall work with IHEs to expand English as a Second Language teacher training programs.

*History Note: Authority G.S. 115C-12(9)c.; N.C. Constitution, Article IX, Sec. 5; 20 U.S.C. 1703; Eff. June 1, 1996.*

## **16 NCAC 06D .0107 STATE GRADUATION REQUIREMENTS**

*History Note: Authority G.S. 115C-12(9c); 115C-81(b)(4); 115C-12(9d); 115C-81.25(c)(10); N.C. Constitution, Article IX, Sec. 5; Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b); Emergency Adoption Eff. August 20, 2019; Emergency Adoption Expired December 6, 2019.*

### **SECTION .0200 - TEXTBOOKS**

#### **16 NCAC 06D .0201 STATE TEXTBOOK COMMISSION 16 NCAC 06D .0202 TEXTBOOK BIDS AND CONTRACTS 16 NCAC 06D .0203 DISPOSITION OF OLD TEXTBOOKS**

*History Note: Authority G.S. 115C-89; Eff. July 1, 1986; Repealed Eff. March 1, 1990.*

#### **16 NCAC 06D .0204 TEXTBOOK ADOPTION SCHEDULE**

To ensure adequate time for the evaluation of textbooks presented to the SBE for adopted for use in the public schools, the Textbook Commission, the Department and the SBE shall adhere, to the extent practicable, to the following schedule on and after January 1, 1990:

- (1) January. The Superintendent of Public Instruction will identify for the SBE all textbook contracts scheduled to expire during the next calendar year, and recommend whether such contracts should be renewed or new textbooks adopted the following year.
- (2) March. The Superintendent will present for the SBE's approval a review of the curriculum requirements as prescribed in the Standard Course of Study and Competency Based Curriculum for the areas for which textbooks are scheduled to be adopted that year.
- (3) April. The Superintendent will present for the SBE's approval the call letter and evaluation forms prepared by the Curriculum Review Committee for the textbooks scheduled for adoption that year. The Superintendent will forward approved call letters to publishers listed on the Textbook Company Register and will forward approved evaluation forms to the Textbook Commission.
- (4) June. Textbook publishers will forward textbooks presented by publishers for adoption to the Textbook Commission and other recipients designated in the call letters.
- (5) June 15 to August 1. The Regional Textbook Evaluation Advisory Committees will evaluate textbooks under the direction of the Textbook Commission.
- (6) August and September. The Textbook Commission will review the recommendations of the Regional Textbook Evaluation Advisory Committees, and will prepare its recommendations to the SBE.
- (7) October. The Textbook Commission will present its recommendations to the SBE. The SBE will adopt textbooks.
- (8) November and December. Local school systems review adopted textbooks and identify textbooks to be ordered. Local school systems will place orders before March 1 of the next year.

*History Note: Authority G.S. 115C-89; Eff. March 1, 1990.*

#### **16 NCAC 06D .0205 CURRICULUM REVIEW COMMITTEE**

- (a) The Superintendent of Public Instruction shall appoint a Curriculum Review Committee to advise him about criteria to be included in each call letter to publishers requesting submission of textbooks for evaluation and adoption, and the development of forms for evaluation of textbooks presented for adoption.
- (b) The Committee shall be organized and selected by the Superintendent of Public Instruction. The Committee should include, in addition to members of the Department of Public Instruction, representatives from local school systems, the Textbook Commission and the community.
- (c) The Committee shall begin performing its duties at least one year before the issuance of letters to publishers calling for submission of textbooks for evaluation and adoption.
- (d) The Committee's responsibility is to help ensure that textbooks presented for adoption are evaluated for their conformity to the Standard Course of Study and the Competency Based Curriculum, and that the textbooks adopted in fact conform to the Standard Course of Study and the Competency Based Curriculum. The Committee shall develop criteria to be included in each call letter and textbook evaluation forms that reflect the requirements of the Standard Course of Study and the Competency Based Curriculum.
- (e) The Committee shall present the criteria and forms it develops to the Superintendent of Public Instruction for review and approval, and shall then present the criteria and forms to the SBE for review and adoption.

*History Note: Authority G.S. 115C-89;  
Eff. March 1, 1990.*

#### **16 NCAC 06D .0206 REGIONAL TEXTBOOK EVALUATION ADVISORY COMMITTEES**

- (a) The Textbook Commission shall appoint Regional Textbook Evaluation Advisory Committees for each of the state's educational districts defined in G.S. 115C-65. Members shall serve a one-year term that begins on January 1 and ends on December 31 of each year. The Textbook Commission shall fill any vacancy for the remainder of the unexpired term. Members shall serve at the pleasure of the Textbook Commission.
- (b) All persons appointed to these committees by the Textbook Commission shall be qualified by training and experience to evaluate textbooks for use in the public schools. In appointing these committees, the Textbook Commission shall consider the textbooks scheduled for adoption during that year, and shall ensure appointment of specialists in the content and grade levels of the areas for which textbooks are to be adopted.
- (c) The Committees, using the evaluation forms developed by the Curriculum Review Committee and their training and experience, assists the Textbook Commission in the evaluation of textbooks presented for adoption. Before beginning to evaluate textbooks, each member of the regional committee shall participate in a comprehensive orientation and training session approved by the Superintendent of Public Instruction and the chairman of the Textbook Commission and presented under the direction of the Superintendent.
- (d) Each regional committee, under the direction of a member of the Textbook Commission assigned by the Chairman of the Textbook Commission, shall meet and evaluate the textbooks presented for adoption. Following these regional meetings, the Chairman of the Textbook Commission will assign members of the regional committees to subject area committees. These committees, using the criteria and forms developed by the Curriculum Review Committee and approved by the SBE, shall meet, discuss and formalize their recommendations to the Textbook Commission.
- (e) The Superintendent will assign to members of the Department the responsibility of assisting the regional committees in the performance of their duties.
- (f) Members of the regional committees shall perform all of their prescribed duties between June 15 and August 1 of each year at times and places designated by the Chairman of the Textbook Commission. Members of the committees who are not under contract with a local school administrative unit for the period between June 15 and August 1 shall receive a salary of one hundred dollars (\$100.00) per day for not more than ten days, plus reimbursement for travel and subsistence expenses as allowed for state employees. Committee members who are under contract with a local school administrative unit between June 15 and August 1, are employed by the Department of Public Instruction, or are employed by another state agency, will receive their regular salaries and will be reimbursed for travel and subsistence expenses only.

*History Note: Authority G.S. 115C-89;  
Eff. March 1, 1990.*

#### **16 NCAC 06D .0207 TEXTBOOK COMMISSION**

- (a) Members of the Textbook Commission are appointed according to the provisions of G.S. 115C-87. In recommending persons for appointment to the Commission, the Superintendent of Public Instruction is requested to recommend and the

Governor is requested to approve the appointment of at least one member from each of the eight educational districts of the state.

(b) The duties of the Textbook Commission are contained in G.S. 115C-88 and 115C-89. Commission members shall make recommendations for each textbook presented for adoption based on the requirements of the call letter for the textbook as approved by the SBE. The SBE shall prescribe the format for the Commission's recommendations to the SBE for adoption of textbooks. The Superintendent of Public Instruction will assign to members of the Department responsibility for assisting the Textbook Commission in the performance of its duties.

(c) Before beginning to evaluate textbooks, commission members shall participate in an orientation and training session planned by the Chairman of the SBE and the Superintendent and presented under the direction of the Superintendent. The Superintendent shall hold the orientation session as soon as possible after the appointment of new members to the Commission or after changes in the statutes and regulations relating to textbook adoptions.

(d) As prescribed in Rule .0206 of this Section, the Textbook Commission appoints the members of the Regional Textbook Evaluation Advisory Committees and directs them in the performance of their duties.

(e) The Commission may meet with representatives of publishers to discuss the Commission's plans and procedures for adoption of textbooks. At no time may the Commission or any of its members meet privately with any publisher's representative.

*History Note: Authority G.S. 115C-89;  
Eff. March 1, 1990.*

#### **16 NCAC 06D .0208 TEXTBOOK COMPANY REGISTER**

(a) In accordance with G.S. 115C-94, the Superintendent of Public Instruction shall maintain a register of all publishers who submit books for adoption by the SBE. The Superintendent shall prescribe the information required for registration.

(b) Only registered companies will receive notice of proposed textbook adoptions by the SBE.

(c) The Superintendent shall remove from the Textbook Company Register any publisher whose representatives attempt to exercise undue pressure of any kind to adopt its books upon a member of the Textbook Commission, the Regional Textbook Evaluation Advisory Committees, the Curriculum Review Committee, or the Department.

(d) The SBE shall direct the Superintendent of Public Instruction to remove from the Textbook Company Register any publisher whose representatives attempt to exercise undue pressure of any form upon a member of the SBE to adopt its books.

*History Note: Authority G.S. 115C-89;  
Eff. March 1, 1990.*

#### **16 NCAC 06D .0209 REQUESTS FOR TEXTBOOKS AND CONTRACTS**

(a) Upon approval by the SBE, the Department will send a request for textbooks, together with a proposed contract, to all publishers listed in the Textbook Company Register, requesting the submission of textbooks that conform to the requirements specified in the request and the proposed contract.

(b) The SBE will adopt textbooks and award contracts based on the following criteria:

- (1) recommendations of the Textbook Commission;
- (2) conformity with the request for the textbooks and the proposed contract;
- (3) conformity with the Standard Course of Study and Competency Based Curriculum;
- (4) price; and
- (5) the needs of the public schools.

(c) The SBE reserves the right to reject any and all textbooks for any reason it deems sufficient.

(d) Each publisher that is awarded a contract must file a performance bond. The Superintendent of Public Instruction shall determine the amount of the bond based on the costs of the textbooks, the publisher's past performances, and such other factors as the Superintendent determines to be relevant.

*History Note: Authority G.S. 115C-89;  
Eff. March 1, 1990.*

#### **16 NCAC 06D .0210 DISPOSITION OF OLD TEXTBOOKS**

LEAs may dispose of textbooks which are no longer listed on the state-adopted textbook list by sale, gift, or exchange. LEAs shall remit the proceeds of sale to the Department. The Department shall credit these proceeds to the LEA's textbook account.

*History Note:* Authority G.S. 115C-89; 115C-102(b);  
Eff. March 1, 1990;  
Amended Eff. August 1, 1999; June 1, 1992.

#### **16 NCAC 06D .0211 TEXTBOOK EVALUATION ADVISORS**

*History Note:* Authority G.S. 115C-89; N.C. Constitution, Article IX, Sec. 5;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Adoption Eff. August 20, 2019;  
Emergency Adoption Expired Eff. November 19, 2020.

#### **16 NCAC 06D .0212 TEXTBOOK PUBLISHERS REGISTRY**

(a) Publishers who submit textbooks for adoption shall register with the Office of State Superintendent of Public Instruction. Publisher registration information shall include:

- (1) the publisher's name;
- (2) the publisher's president's or proprietor's name and address, including email address;
- (3) the names of all agents authorized to represent the publisher in North Carolina; and
- (4) the name, title, address, email address and telephone number of the publisher's preferred agent contact.

(b) Each publisher piloting textbook materials being submitted for consideration in the current adoption year shall notify the Textbook Commission, in writing, which materials are being piloted and in which local education agencies materials are being piloted. The Textbook Commission shall notify all local superintendents involved in piloting textbook materials prior to the end of the textbook selection process that the materials they are piloting may or may not be accepted by the Commission.

(c) Publishers shall not exercise undue pressure on members of the Textbook Commission, the State Board of Education, evaluation advisors, or DPI staff involved in the textbook submission, evaluation, or adoption process.

- (1) For purposes of this Rule, "undue pressure" means personal contact, whether in person, by telephone, or in written form, that advocates for the selection of a particular book or series of books. "Undue pressure" does not include social contact or presentations to the Textbook Commission as a whole, and does not include written communication with Textbook Commission members or State Board of Education or DPI officials following acceptance or rejection of a submission in an effort to seek clarification or reconsideration.
- (2) The State Superintendent of Public Instruction shall remove from the NC Publishers Registry any publisher whose agents exercise undue pressure upon a member of the Textbook Commission, the evaluation advisors, or DPI staff.
- (3) The State Board of Education shall direct the State Superintendent of Public Instruction to remove from the NC Publishers Registry any publisher whose agents exercise undue pressure upon a member of the State Board of Education.

*History Note:* Authority G.S. 115C-12; 115C-89;  
Eff. January 1, 2021.

### **SECTION .0300 - TESTING PROGRAMS**

#### **16 NCAC 06D .0301 TESTING REQUIREMENTS AND OPPORTUNITIES**

*History Note:* Authority G.S. 115C-12(9)c.;  
Eff. July 1, 1986;  
Amended Eff. January 2, 2006; August 1, 1999; January 2, 1998; June 1, 1996;  
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

#### **16 NCAC 06D .0302 TEST ADMINISTRATION**

#### **16 NCAC 06D .0303 ACCOUNTABILITY COORDINATOR**

*History Note:* Authority G.S. 115C-12(9)c; 115C-81(b)(4);  
Eff. July 1, 1986;  
Amended Eff. May 1, 2001; August 1, 1999; November 1, 1997; June 1, 1996;  
Repealed Eff. March 1, 2021.

**16 NCAC 06D .0304 GRADE-LEVEL PROFICIENCY**

*History Note: Authority G.S. 115C-12(9)c.; 115C-81(b)(4);  
Eff. November 1, 1995;  
Repealed Eff. December 1, 1999.*

**16 NCAC 06D .0305 END-OF-COURSE ASSESSMENTS  
16 NCAC 06D .0306 TESTING CODE OF ETHICS**

*History Note: Authority G.S. 115C-12(9)c.; 115C-81(b)(4);  
Eff. November 1, 1997;  
Amended Eff. October 1, 2006; January 2, 2006; April 1, 2002; September 1, 2001; August 1, 2000; July  
1, 2000; August 1, 1999;  
Repealed Eff. March 1, 2021.*

**16 NCAC 06D .0307 TEST ADMINISTRATION IN PUBLIC SCHOOLS**

- (a) Only current or retired professional educators as defined in G.S. 115C-270.1 or teachers who
- (1) are employed by local education agencies (LEAs); and
  - (2) have training in the Annual Testing Program as required in Rule .0308 of this Section shall administer secure tests.
- (b) "Secure test" for purposes of this Chapter means "any test developed, adopted, or provided by the State Board of Education that has not been released under G.S. 115C-174.13."
- (c) "Annual Testing Program" for purposes of this Chapter means:
- (1) beginning of grade 3 reading proficiency test;
  - (2) grades 3 through 8 end-of-grade (EOG) English language arts/reading and mathematics;
  - (2) grades 5 and 8 EOG science;
  - (3) grade 10 end-of-course (EOC) English II;
  - (4) grade 11 EOC assessments in NC Math 1, NC Math 3, and EOC Biology;
  - (5) grade 11 ACT; and
  - (6) grade 12 Career and Technical Education Concentrators and ACT WorkKeys.
- (d) The North Carolina Department of Public Instruction (NCDPI) shall supply the secure tests to LEAs. LEAs shall:
- (1) account to the NCDPI for all secure tests received;
  - (2) provide a secure, locked storage facility for all secure tests received;
  - (3) prohibit the reproduction of any or all parts of a secure test; and
  - (4) prohibit their employees from disclosing the content of a secure test or specific items contained in a secure test except as necessary to administer the test.
- (e) LEAs shall monitor test administration procedures. If a school employee discovers any violation of the rules in this Subchapter, he or she shall notify the principal, charter school director, or school test coordinator who shall notify the superintendent or the LEA test coordinator. If the superintendent or the LEA test coordinator determines that the violation affected the validity of the test for its intended purpose, he or she shall have the authority to order the affected students to be retested.
- (f) If NCDPI determines that the failure to administer a test in accordance with the rules in this Subchapter produced a result which is invalid for measuring student achievement, then NCDPI may remedy the error or order the LEA to remedy the error, including requiring retesting students.
- (g) LEAs shall, at the beginning of each school year, provide information to students and parents or guardians advising them of the districtwide and State-mandated tests that students will be required to take during that school year. In addition, LEAs shall advise students and parents or guardians of the dates the tests will be administered and how the results from the tests will be used. Also, information provided to parents shall include whether the State Board of Education or the local board of education requires the test(s).
- (h) LEAs shall report scores resulting from the administration State-mandated tests from the Annual Testing Program to students and parents or guardians no later than 30 days after the test is administered and along with available score interpretation information within 30 days from receipt of the scores and interpretive documentation from the NCDPI. Selected LEAs and schools, determined through stratified random samples, shall participate in field testing and other sample testing.



(i) LEAs shall participate in National Assessment of Educational Progress (NAEP) and other national or international assessments as designated by the SBE.

*History Note:* Authority G.S. 115C-12(9); 115C-174.10; 115C-174.11; 115C-174.12; 115C-174.13; 115C-174.16; Emergency Adoption Eff. August 20, 2019; Eff. March 1, 2021.

#### **16 NCAC 06D .0308 TEST COORDINATORS, ADMINISTRATORS AND PROCTORS**

(a) The local superintendent in a local education agency (LEA) shall act as or appoint an LEA test coordinator to assist in the local administration, reporting, and interpretation of results of any "secure test," as defined in Rule .0307(b) of this Section, administered in the Annual Testing Program, as defined in Rule .0307(c) of this Section

(b) LEA test coordinators shall attend required monthly test administration training sessions provided by the North Carolina Department of Public Instruction on subjects including proper test administration, test security, appropriate use of accommodations, scanning and scoring answer sheets, and preparation of test materials for scoring at a central site.

(c) LEA test coordinators shall in turn conduct training in the Annual Testing Program for any school test coordinators.

(d) School test coordinators shall conduct training in the Annual Testing Program for any test administrators or proctors.

(e) The LEA test coordinator shall arrange for the scanning, scoring, and reporting of results for any secure test administered in the Annual Testing Program from tests adopted by the State Board of Education.

*History Note:* Authority G.S. 115C-12(9); 115C-174.11; 115-174.12; Emergency Adoption Eff. August 20, 2019; Eff. March 1, 2021.

#### **16 NCAC 06D .0309 REQUIREMENTS REGARDING END-OF-COURSE TESTS**

(a) All students enrolled in a course requiring an end-of-course test (EOC) in the Annual Testing Program defined in Rule .0307(c) of this Section shall participate in the administration of the EOC, either a standard administration with or without accommodations or an alternate assessment, as defined in G.S. 115C-83.3. Accommodations and alternative assessments shall be administered in accordance with 16 NCAC 06G .0315(c) and (d). This Rule shall apply to all public school units (PSUs).

(b) PSUs shall include each student's end-of-course (EOC) results in the student's permanent records and high school transcript.

(c) PSUs shall adopt policies and use results from all EOCs as a minimum of 20 percent of the student's final grade for each respective course with the exception of:

- (1) students whose Individualized Education Programs (IEPs) created under the Individuals with Disabilities Education Act, 33 U.S.C. 1414, and regulations adopted pursuant to that Act, exclude their EOC results from their final grades;
- (2) English Learner (EL) students, as defined in 25 CFR 30.101, in their first year in a United States school; or
- (3) students enrolled in a course during the initial implementation year of the new EOC for that course where proficiency scores are not available due to standard setting.

(d) PSU students who are enrolled for credit in courses in which an EOC is required shall take the EOC.

(e) PSU students who are exempt from final exams by local board of education policy shall not be exempt from the required EOC.

(f) PSU students shall take the EOC the first time the student takes the course requiring the EOC.

(g) PSU students shall take the EOC at the end of the course regardless of the grade level in which the course is offered.

(h) PSU students who are identified as failing a course for which an EOC is required shall take the EOC.

(i) PSU students may drop a course with an EOC within the first 10 days of enrollment in a semester block schedule or within the first 20 days of enrollment in a yearlong traditional schedule. Students who are enrolled for credit after the 10 or 20 days shall not drop a course with a required EOC and shall participate in the EOC administration at the completion of the course.

(j) PSU students who obtain a proficient score on an EOC and retake that course may use their higher EOC score as a minimum of 20 percent of their final course grade.

*History Note:* Authority G.S. 115C-12(9d)a; 115C-105.20; 115C-174.11; 115C-174.12; 115C-218.85(a)(3); Emergency Adoption Eff. August 20, 2019; Eff. August 23, 2022.

#### **16 NCAC 06D .0310 APPROPRIATE USE OF STATE TESTS**

Secure tests as defined in Rule .0307(b) of this Section developed by the State of North Carolina as part of the Annual Testing Program shall not be used for purposes other than to measure reading proficiency at the beginning of grade three, end-of-grade progress for grades three through eight, end-of-course competencies, and competencies in English, mathematics, reading, and science at the end of grade 11 as tested in the ACT, and competencies in mathematics, reading, and information location at the end grade 12 as tested in ACT WorkKeys.

*History Note: Authority G.S. 115C-12(9d)a.; 115C-83.15; 115C-174.11(c);  
Emergency Adoption Eff. August 20, 2019;  
Eff. March 17, 2021.*

#### **16 NCAC 06D .0311 TESTING CODE OF ETHICS**

(a) This Rule shall apply to all public school unit (PSU) employees or agents while they are administering the Annual Testing Program defined in Rule .0307(c) of this Section.

(b) The PSU shall develop local policies and procedures to ensure maximum test security in coordination with the policies and procedures developed by the test publisher.

(c) The PSU shall require all testing coordinators, school test coordinators, test administrators and proctors to be trained as required in Rule .0308 of this Section.

(d) The PSU shall designate the personnel who are authorized to have access to secure test materials. "Access" to test materials by school personnel means handling the materials but does not include reviewing tests or analyzing test items.

(1) Persons who have access to secure test materials shall not use those materials for any purpose other than test administration.

(2) No person shall copy, reproduce, or paraphrase the test materials without the express written consent of the test publisher.

(e) The principal shall store test materials in a locked facility to which only the principal has access. The principal shall not allow anyone access to the test materials except as necessary for administration.

(f) When PSU personnel discover loss of materials, failure to account for materials, or any evidence of unauthorized access to the materials, they shall report the discovery without delay to the principal, school test coordinator, school system (LEA) test coordinator, or charter school director.

(g) PSUs shall ensure that test coordinators:

(1) plan and implement training for school test coordinators, test administrators, and proctors;

(2) ensure each school test coordinator and test administrator is trained in accordance with Rule .0308 of this Section; and

(3) in conjunction with program administrators, ensure test accommodations to students entitled to testing accommodations as defined in 16 NCAC 06G .0315; are documented and provided.

(h) The principal or the principal's designee shall serve as school test coordinator.

(i) The principal shall ensure the school test coordinator maintains test security and accountability of test materials, including taking the following actions:

(1) before each test administration, the school test coordinator shall count and distribute test materials;

(2) after each test administration, the school test coordinator shall without delay collect, count, and return all test materials to the locked storage facility;

(3) establishes procedures to assure all students participating in the Annual Testing Program have an equal opportunity to demonstrate their knowledge on the test; and

(4) identifies and trains personnel, proctors, and backup personnel for test administrations.

(j) Teachers may help students improve test-taking skills by:

(1) helping students become familiar with test formats using curricular content;

(2) teaching students test-taking strategies and providing practice sessions;

(3) helping students learn ways of preparing to take tests; and

(4) using resource materials such as test questions from test item banks and linking documents in instruction and test preparation.

(k) With respect to test administration, PSUs shall:

(1) assure each school establishes procedures to ensure all test administrators comply with test publisher guidelines;

(2) inform the local board of education of any breach of this code of ethics; and

(3) inform test coordinators and principals of their responsibilities.

(l) The school test coordinator shall:

- (1) assure school personnel know the content of rules in this Section and local testing policies;
  - (2) implement the school system and local testing policies and procedures to assure all students participating in the Annual Testing Program have an equal opportunity to demonstrate their knowledge on the test;
  - (3) ensure proctors are trained; and
  - (4) ensure all violations of rules in this Section and local testing policies are reported to the school system (LEA) test coordinator.
- (m) Test administrators shall:
- (1) administer tests according to the directions in the assessment guide and any subsequent updates developed by the test publisher;
  - (2) administer tests to all students enrolled in a grade or course that requires a test in the Annual Testing Program;
  - (3) report all violations of rules in this Section and local testing policies to the school test coordinator; and
- (n) Proctors shall serve as additional monitors to help the test administrator assure that students have an equal opportunity to demonstrate their knowledge on the test.
- (o) Scoring. The school system test coordinator shall:
- (1) ensure each test is scored according to the procedures and guidelines defined for the test by the test publisher;
  - (2) maintain quality control during the entire scoring process, which consists of handling and editing documents, scanning answer documents, and producing electronic files and reports. Quality control shall address scoring accuracy and scoring consistency.
  - (3) maintain security of tests and data files at all times, including:
    - (A) protecting the confidentiality of students at all times when publicizing test results; and
    - (B) maintaining test security of answer keys and item-specific scoring rubrics.
- (p) Educators shall use test scores as one piece of information to be interpreted together with other scores and indicators when determining a student's grade. The PSU shall ensure that school personnel analyze and report test data within the limitations described in this Paragraph.
- (1) Educators shall maintain the confidentiality of individual students. PSU personnel shall not publicize test scores or any written material containing personally identifiable information from the student's educational records except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g and regulations adopted pursuant thereto.
  - (2) Staff development relating to testing must enable school personnel to respond knowledgeably to questions related to testing, including the tests, scores, scoring procedures, and other interpretive materials.
- (q) Unethical testing practices include the following practices:
- (1) encouraging students to be absent the day of testing;
  - (2) encouraging students not to do their best;
  - (3) using secure test items or modified secure test items for instruction;
  - (4) changing student responses at any time;
  - (5) interpreting, explaining, or paraphrasing the test directions or the test items;
  - (6) classifying students for the purpose of avoiding State testing;
  - (7) not testing all students enrolled in a grade or course that requires a test in the Annual Testing Program;
  - (8) failing to provide required accommodations during testing to students entitled to testing accommodations as defined in 16 NCAC 06G .0315;
  - (9) modifying scoring programs including answer keys, equating files, and lookup tables;
  - (10) modifying student records for the purpose of raising test scores;
  - (11) using a single test score to place a student in a grade or a course; and
  - (12) providing inaccurate test results and interpretations to the public.
- (r) In the event of a violation of this Rule, the State Board of Education may impose any one or more of the following sanctions:
- (1) withhold any monetary incentive awards;
  - (2) file a civil action against the person or persons responsible for the violation for copyright infringement or for any other available cause of action;
  - (3) seek criminal prosecution of the person or persons responsible for the violation; and
  - (4) in accordance with the provisions of 16 NCAC 06C .0312, suspend or revoke the professional license of the person or persons responsible for the violation.

*History Note:* Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-218.85(a)(3);  
Emergency Adoption Eff. August 20, 2019;  
Eff. August 23, 2022.

**16 NCAC 06D .0312 ENGLISH LEARNERS: IDENTIFICATION, PARTICIPATION IN STATEWIDE TESTING PROGRAM, ELIGIBILITY FOR TESTING ACCOMMODATIONS, AND EXIT CRITERIA**

*History Note:* Authority G.S. 115C-12(9); 115C-83.7; 115C-83.15; 115C-83.16; 115C-218.85; N.C. Constitution, Article IX, Sec. 5;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Adoption Eff. August 20, 2019;  
Emergency Adoption Expired December 6, 2019.

**16 NCAC 06D .0313 USE OF STATE-DESIGNATED ASSESSMENTS FOR THE NC TEACHER EVALUATION PROCESS**

*History Note:* Authority G.S. 115C-12(9); 115C-83.6; 115C-83.5; 115C-174.12; 115C-269.35; 115C-333.2; 115C-334; 115C-335; N.C. Constitution, Article IX, Sec. 5;  
Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);  
Emergency Adoption Eff. August 20, 2019;  
Emergency Adoption Expired Eff. September 17, 2020.

**SECTION .0400 - BEP SUPPORT SERVICES**

**16 NCAC 06D .0401 REQUIRED SUPPORT PROGRAMS**

Each LEA shall provide its students support services in the following areas:

- (1) Pre-school physical and developmental screening;
- (2) School counseling services;
- (3) School social work services;
- (4) School psychological services; and
- (5) Health services.

*History Note:* Authority G.S. 115C-12(9)c.; 115C-81;  
Eff. July 1, 1995.

**16 NCAC 06D .0402 SPECIAL HEALTH CARE SERVICES**

(a) Each LEA shall make available a registered nurse for assessment, care planning, and on-going evaluation of students with special health care service needs in the school setting. Special health care services include procedures that are invasive, carry reasonable risk of harm if not performed correctly, may not have a predictable outcome, or may require additional action based on results of testing or monitoring.

(b) Care planning includes but is not limited to:

- (1) identification of appropriate person(s) to perform the procedure;
- (2) teaching those persons to perform the procedure; and
- (3) identification of a mechanism for registered nurses or other persons qualified by state law to plan and implement such health to provide ongoing supervision to ensure the procedure is performed appropriately and monitoring the student's response to care provided in the school setting.

(c) To assure that these services are provided, LEAs shall have the flexibility to hire registered nurses, to contract with individual registered nurses, to contract for nursing services through local health departments, home care organizations, hospitals and other providers, or to negotiate coverage for planning and implementing these services with the licensed physician, nurse practitioner, or physician assistant prescribing the health care procedure.

(d) LEAs shall implement this Rule in compliance with the provisions of G.S. 115C-307(c).

*History Note:* Authority G.S. 115C-12(9)c.; 115C-81; 115C-307(c);

*Eff. July 1, 1995.*

**16 NCAC 06D .0403 PROVIDE INFORMATION ON CHILD ABUSE AND NEGLECT**

Each public school unit, University of North Carolina School of the Arts, and the North Carolina School of Science and Mathematics shall provide to students in grades 6 through 12 the information on child abuse and neglect, including age-appropriate information on sexual abuse, specified in G.S. 115C-12(47).

*History Note: Authority G.S. 115C-12(47);  
Eff. July 1, 2022.*

**SECTION .0500 - DEFINITIONS**

**16 NCAC 06D .0501 DEFINITIONS**

As used in this Subchapter:

- (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.

*History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;  
Eff. December 1, 1999;  
Amended Eff. January 2, 2006; April 1, 2005.*

**16 NCAC 06D .0502 STUDENT ACCOUNTABILITY STANDARDS**

*History Note: Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;  
Eff. December 1, 1999;  
Amended Eff. January 2, 2006; August 1, 2001;  
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.*

**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.

*History Note:* Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; Eff. December 1, 1999; Amended Eff. January 2, 2006; April 1, 2005; September 1, 2002; December 1, 2001; December 1, 2000.

#### **16 NCAC 06D .0504 REVIEW PROCEDURES**

*History Note:* Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; Eff. December 1, 1999; Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

#### **16 NCAC 06D .0505 LOCAL ACCOUNTABILITY PROCEDURES**

*History Note:* Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; Eff. December 1, 1999; Amended Eff. April 1, 2005; Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

#### **16 NCAC 06D .0506 STUDENTS WITH DISABILITIES**

(a) Unless exempted pursuant to Paragraph (b) of this Rule, all students with disabilities shall participate in the statewide student accountability promotion standards for elementary, middle, and high school levels.

(b) Students with disabilities may be exempted from the statewide student accountability promotion standards by the IEP team, including the principal or school district representative. These students shall demonstrate evidence of progress on alternate assessments. Alternate assessments shall be performance measures that assess the educational progress of students with disabilities who are unable to participate in the general large-scale assessment system even when accommodations are provided to the student.

(c) All interventions/remediation and other opportunities, benefits and resources that are made available to students without disabilities shall be made available to students with disabilities who participate in the student promotion standards. All services offered shall be in addition to the special education services provided to the student.

*History Note:* Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; Eff. December 1, 1999; Amended Eff. April 1, 2005.

#### **16 NCAC 06D .0507 STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

*History Note:* Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5; Eff. December 1, 1999; Amended Eff. April 1, 2005; Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

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

(a) Local education agencies (LEAs) shall enact third grade retention and promotion policies consistent with G.S. 115C-83.1, 83.3, and 83.7.



(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.

*History Note: Authority G.S. 115C-83.1; 115C-83.3; 115C-83.7; 115C-83.8;  
Eff. July 1, 2014.*

**16 NCAC 06D .0509 RESERVED FOR FUTURE CODIFICATION**

**16 NCAC 06D .0510 THREE-YEAR GRADUATION**

(a) For the purposes of this Rule, the following definitions shall apply:

- (1) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a). This Rule shall not apply to a charter school unless the charter school has elected to offer a three-year sequence of courses under G.S. 115C-218.85, or to a regional school unless the regional school has elected to offer a three-year sequence of courses under G.S. 115C-238.66.
- (2) "Superintendent" means the superintendent of a local school administrative unit or the staff member with the highest decision-making authority for a public school unit, if there is no superintendent.

(b) A student enrolled in a PSU who requests to graduate from high school 3 years after entering Grade 9 shall do so in accordance with this Rule. This Rule shall apply to a student who enters Grade 11 on or after July 1, 2024 and is at least 16 years of age at the time of graduation.

(c) The student shall complete and sign a 3-year graduation request form provided by the student's PSU. The form must be signed by the student's parent or legal guardian, unless the student is at least 18 years of age or has been emancipated in accordance with Chapter 7B, Article 35 of the General Statutes.

(d) An administrator from the student's high school or the PSU shall meet with the student and, if the student is under 18 years of age and not emancipated, the student's parent or legal guardian, to discuss the implications of graduating after three years. The administrator shall address, at minimum, the following topics:

- (1) Plans for transitioning into higher education, employment, or enlistment in the Armed Forces of the United States;
- (2) Discontinued access to high school services and programming, including extracurricular activities and interscholastic athletics; and
- (3) Support structures available to the student in the high school environment, such as nutrition and school counseling services, which will no longer be available upon graduation.

(e) The superintendent or designee shall verify that the student has met the minimum graduation requirements established by the State Board of Education ("SBE"), as defined in 16 NCAC 06D .0503.

(f) The superintendent shall approve the request upon verification of the student's eligibility and compliance with the procedures set forth above, no later than 45 school days after receipt of a request. If the request is approved during the semester after classes have started, the student may elect to graduate immediately or graduate at the end of the semester. However, if the student does not submit the request until after classes have started, the student shall be required to complete the current semester.

(g) PSUs shall provide students with information on how to graduate from high school within three years prior to the student selecting the student's course schedule for Grade 9. Such information shall include the topics listed in Paragraph (d) in this Rule as well as a recommended course schedule to allow the student to satisfy the minimum graduation requirements established by the SBE.

*History Note: Authority G.S. 115C-12(9d); 115C-218.85; 115C-238.66;  
Codifier determined that rule did not meet criteria for emergency rule on November 6, 2023.  
Emergency Adoption Eff. November 16, 2023;  
Temporary Adoption Eff. February 8, 2024.*