

SUBCHAPTER 06C - PERSONNEL

SECTION .0100 - GENERAL PROVISIONS

16 NCAC 06C .0101 DEFINITIONS

As used in this Subchapter:

- (1) "Convicted" or "Conviction" means and includes the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (2) "Institution of higher education" (IHE) means a senior college or university.
- (3) "Instructional personnel" means all teachers as defined by G.S. 115C-325, with the exception of supervisors, and non-teaching principals, assistant principals, social workers, counselors and psychologists. The term includes principals, assistant principals, or counselors who teach any part of the day, librarians and instructional aides, except that:
 - (a) aides are not included for the purpose of applying Rule .0403 of this Subchapter; and
 - (b) aides are not included for the purpose of applying Rule .0301 of this Subchapter.
- (4) "License" has the same meaning as the term "certificate" as used in 16 NCAC 1A .0001(2).
- (5) "National Teachers' Examination" (NTE) means the standard examination adopted by the SBE pursuant to G.S. 115C-284(c), 115C-296 and 115C-315(d).
- (6) "Other personnel" means those persons not included within the definition of instructional personnel.
- (7) "Part-time employee" means a person employed for at least 20 hours per week.
- (8) "Permanent employee" means a person who is not a student enrolled in the school system who is employed:
 - (a) other than on an interim basis, to fill a position which is to become permanent if current needs and funds continue; or
 - (b) for at least six months under one contract, to replace one or more employees who are on leave without pay.
- (9) "Professional public school employee" means and includes:
 - (a) teachers;
 - (b) administrators (superintendents, assistant or associate superintendents, principals, assistant principals, and supervisors); and
 - (c) education specialists (counselors, school social service workers, curriculum instructional specialists, school psychologists, and media personnel).
- (10) "Renewal credit" means credit earned by a certificated employee for certificate renewal purposes.
- (11) "SACS" means the Southern Association of Colleges and Schools.
- (12) "Substitute" means a person who holds a teacher's certificate, or who is a college graduate, or who has been determined by a local board to be capable of performing the duties of a substitute teacher.
- (13) "Teacher education program" means the curriculum, instructional resources and faculty that contribute to the quality of instruction and the acquisition of knowledge, skills and competencies required for professional personnel to perform effectively in the public schools.

History Note: *Filed as a Temporary Amendment Eff. October 10, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*
Authority N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 1987;
ARRC Objection Lodged February 22, 1990;
Amended Eff. June 1, 1996; July 1, 1995; August 1, 1990.

16 NCAC 06C .0102 NATURE OF LICENSURE

- (a) The SBE shall exercise its licensing authority through the department in two general areas:

- (1) The SBE shall consider for approval the teacher education programs of IHEs that belong to the SACS and that meet the requirements of Rule .0202 of this Subchapter. The SBE shall award or deny approval to teacher education programs by the process described in 16 NCAC 6C .0202.
- (2) The SBE shall award licenses to individuals who desire to obtain employment as a professional public school employees and who meet the requirements of Section .0300 of this Subchapter. The SBE shall act on personnel license requests according to the process contained in 16 NCAC 6C .0301.

(b) The SBE shall base its approval on the requirements that are in effect at the time the IHE or the individual applies for approval.

History Note: Authority G.S. 115C-284(c); 115C-296; 115C-315(d);
Eff. July 1, 1986;
Amended Eff. August 1, 2000.

16 NCAC 06C .0103 STATE BOARD OF EDUCATION ACTION

History Note: Authority G.S. 115C-284(c); 115C-296; 115C-315(d);
Eff. July 1, 1986;
Repealed Eff. August 1, 2000.

SECTION .0200 - TEACHER EDUCATION

16 NCAC 06C .0201 STATE EVALUATION COMMITTEE ON TEACHER EDUCATION

History Note: Authority G.S. 115C-12(9)a.; 115C-296(b); N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. December 1, 1992; March 1, 1990;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0202 APPLICATION FOR APPROVAL; CRITERIA

- (a) Each IHE that seeks approval for any teacher education program must file with the department a preliminary application.
- (b) The IHE shall engage in self-study in accordance with the existing National Council for Accreditation of Teacher Education (NCATE)/state or the Teacher Education Accreditation Council (TEAC)/state protocol agreement.
- (c) When the IHE has completed all preparation phases of the self-study, the department shall send a visitation committee to verify the reports for all specialty areas for which approval is sought.
- (d) The SBE shall notify IHEs that are denied approval of the reasons for denial. The IHE may reapply after it has corrected the conditions that led to the denial of approval.
- (e) Each approved IHE shall continually review its programs. The SBE shall annually monitor student performance based upon required examinations and progression toward continuing licensure. The IHE may request or the SBE may conduct a re-evaluation at any time.
- (f) During the final year of the current approval period, the IHE shall arrange for a re-approval committee visit.
- (g) The SBE must approve any revisions to approved programs.
- (h) The SBE must approve each teacher education program before an IHE may recommend its graduates for licensure. In making recommendations to the SBE and in determining the approval status of an IHE teacher education program and its specialty area program, such as mathematics or science, the state evaluation committee and the SBE, respectively, shall weigh the following criteria:
 - (1) SACS accreditation of the IHE;
 - (2) either:
 - (A) full accreditation or accreditation with stipulations of the professional education unit by the NCATE at the basic and advanced levels, as appropriate; or
 - (B) full accreditation or provisional accreditation of the program(s) by TEAC;
 - (3) all IHE specialty area program reports at the undergraduate and graduate levels;
 - (4) evidence that the IHE requires at least a 2.50 grade point average on a 4.00 scale for formal admission into teacher education;

- (5) evidence that during the two preceding consecutive years, 70% of the graduates of the IHE have passed the NTE/PRAXIS exams administered by the Educational Testing Service to measure an applicant's academic and professional preparation and required for licensure;
- (6) evidence that during the two preceding consecutive years, 95% of the graduates of the IHE employed by public schools in the State have earned a continuing license as provided by Rule .0304 of this Subchapter; and
- (7) evidence that faculty members assigned by the IHE to teach undergraduate or graduate methods courses or to supervise field experiences for prospective teachers hold valid North Carolina teachers' licenses in the area(s) of their assigned responsibilities.

History Note: Authority G.S. 115C-12(9)a.; 115C-296(b); N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. December 1, 2004; August 1, 2000; July 1, 1993; December 1, 1992; March 1, 1990.

16 NCAC 06C .0203 INSTITUTIONAL POLICIES
16 NCAC 06C .0204 TEACHER EDUCATION POLICIES AND PROCEDURES

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, Sec. 5;
 Eff. July 1, 1986;
 Repealed Eff. March 1, 1990.

16 NCAC 06C .0205 STATE BOARD REVIEW STANDARDS AND APPROVAL ACTIONS

History Note: Authority G.S. 115C-12(9)a; 115C-296(b); N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. December 1, 1992; May 1, 1991; March 1, 1990;
 Repealed Eff. August 1, 2000.

16 NCAC 06C .0206 CONSORTIUM-BASED PROGRAMS AND INNOVATIVE/EXPERIMENTAL PROGRAMS

History Note: Authority G.S. 115C-12(9)a; 115C-296(b); N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. December 1, 1992;
 Repealed Eff. August 1, 2000.

16 NCAC 06C .0207 PROSPECTIVE TEACHER SCHOLARSHIP LOANS

History Note: Authority G.S. 115C-471;
 Eff. September 1, 1991;
 Amended Eff. August 1, 2000; July 1, 1995;
 Repealed Eff. January 1, 2006 (see S.L. 2005-276, s. 9.17).

SECTION .0300 - CERTIFICATION

16 NCAC 06C .0301 GENERAL INFORMATION

- (a) Any person who desires to obtain employment from a LEA in a professional position shall apply for and obtain a license from the department. Each applicant shall file an application together with an official transcript(s), a recommendation by a designated official of the approved IHE where preparation was completed, and the licensure fee specified in G.S. 115C-296(a2).
- (b) The department shall evaluate each application and its supporting documentation and shall notify each applicant of the action it takes.
- (c) An applicant who desires to upgrade, renew or add new fields to a license shall supply documentation to the department that supports the desired action.

(d) A class "A" teaching license may be changed from early childhood, intermediate, middle grades or secondary to either of the other categories upon the applicant's completion of the program for the license. An applicant who secures credit as provided in Rule .0302 of this Section for new subject or teaching fields may have these fields added to a teaching license.

(e) The department shall base the effective date of a license on the date the applicant completed the educational program requirements for the license. For applicants who completed these requirements before the current fiscal year in which the application is processed, the effective date shall be July 1. For applicants who have completed these requirements within the current fiscal year in which the application is processed, the effective date shall be the date the applicant completed the requirements. Every license shall expire on June 30 unless it is renewed or extended in accordance with the provisions of this Section. A provisional license issued pursuant to Rule .0305(c) of this Section shall be valid for one year. A lateral entry license issued pursuant to Rule .0305(b) of this Section shall be valid for two years. The initial license issued pursuant to Rule .0304(c)(1) of this Section shall be valid for three years. The continuing license issued pursuant to Rule .0304(c)(2) of this Section shall be valid for five years.

(f) Any licensed person may apply to the department on forms that it shall furnish for a duplicate license, in the event the original is lost, or for the change of the applicant's name.

(g) Professional personnel may be assigned only to areas in which the individual holds a license, a provisional license, endorsement or provisional endorsement as required by the department. The LEA may assign any licensed teacher who is the best qualified to teach remedial courses, regardless of license area. This provision shall not apply to any vocational license that has been restricted by the department as a part of completing licensure requirements.

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000; March 1, 1990.

16 NCAC 06C .0302 CREDIT

(a) The department shall compute all credit for licensure, including residence, extension and correspondence credit, in semester hours. The department shall compute credit for re-licensing or renewal purposes in quarter hours. A quarter hour shall have the value of two-thirds of a semester hour.

(b) The department may accept extension and correspondence credit earned from an IHE that has been accredited by a national or regional accrediting authority such as SACS at the class "A" license level and below, for purposes of renewal, adding a teaching subject and removing deficiencies. The department shall allow no more than six semester hours of correspondence credit per certificate action. For purposes of upgrading undergraduate licenses, a maximum of 10 of the 30 semester hours required for raising the license to the next higher level may be extension and correspondence credit. The IHE that has been approved under Rule .0202 of this Subchapter shall accept all credits applying to graduate licenses and licenses in the special services areas, including all licenses above the "A" level.

(c) When a person earns credits in more than one IHE before obtaining a degree, the person shall transfer the credit to an IHE that has been approved under Rule .0202 of this Subchapter that the person has attended or expects to attend. The person must be enrolled in a teacher education curriculum at the IHE that has been approved under Rule .0202 of this Subchapter.

(d) A person may use credit used for renewal or reinstatement of a license of lower rank toward upgrading a license.

(e) The department shall retain all credits submitted to it. The department shall not return transcripts nor furnish certified copies of credits to applicants.

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000.

16 NCAC 06C .0303 PROGRAM REQUIREMENTS FOR LICENSURE

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0304 LICENSE PATTERNS

(a) Licenses shall indicate grade levels, content areas and specializations for which the professional shall be eligible for employment.

(b) Licenses shall be of the following types:

- (1) Teacher. The license shall entitle the holder to teach in some designated area of specialization at the elementary, middle, or secondary level. There shall be four levels of preparation:
 - (A) bachelor's degree (A level);
 - (B) master's degree (G level);
 - (C) sixth-year (AG level); and
 - (D) doctorate (DG level).

The teacher license shall further be categorized as prekindergarten B-K, elementary K-6, middle grades 6-9, secondary 9-12, special subjects K-12, or work force development.

- (2) Administrator/supervisor. The holder may serve in generalist and program administrator roles such as superintendent, assistant or associate superintendent, principal, assistant principal or curriculum-instructional specialist. There shall be three levels of preparation:
 - (A) master's degree;
 - (B) sixth-year; and
 - (C) doctorate.

A person shall be eligible to serve as a superintendent without qualifying for or holding a license as long as the person has earned at least a bachelor's degree from a regionally accredited college or university and has a minimum of five years leadership or managerial experience that the employing local board of education considers relevant to the position of superintendent.

- (3) Student services area. The holder may provide specialized assistance to the learner, the teacher, the administrator and the education program in general. This category shall include school counseling, school social work, school psychology, audiology, speech language pathology, and media. There shall be three levels of preparation as in the case of the administrator/supervisor, except that school psychology shall be restricted to the sixth-year or doctorate levels and school social work may be earned at the bachelor's level.

(c) The department shall base license classification on the level and degree of career development and competence. There shall be two classifications of licenses:

- (1) The Standard Professional License I, which shall be valid for three years, shall allow the holder to begin practicing the profession on an independent basis in North Carolina. To be issued a Standard Professional License I, the individual must complete a teacher education program approved in accordance with these Rules and meet the federal requirement to be designated "highly qualified."
- (2) The Standard Professional License II shall authorize professional school service on an ongoing basis, subject to renewal every five years.

History Note: Authority G.S. 115C-12(9)a;115C-271(a); N.C. Constitution, Article IX, s. 5; Eff. July 1, 1986; Amended Eff. August 1, 2000; March 1, 1990; Temporary Amendment Eff. December 17, 2001; Amended Eff. January 2, 2006; April 1, 2003.

16 NCAC 06C .0305 LICENSES FOR NON-TEACHER EDUCATION GRADUATES

(a) A person who has not graduated from a teacher education program that has been approved under Rule .0202 of this Subchapter who later desires to teach shall have his/her credentials evaluated by an IHE approved in accordance with these Rules or regional alternative licensing center ("RALC"). The person shall satisfy the assessment of his/her needs and be recommended by the IHE or RALC for a license.

(b) Persons who have been selected for employment by a LEA under the lateral entry provisions of G.S. 115C-296(c) may obtain a license as follows:

- (1) To be eligible for a lateral entry license, a person shall:
 - (A) have attained a bachelor's degree in the license area from a regionally-accredited IHE;
 - (B) be recommended for a lateral entry license by the employing LEA; and
 - (C) have had a minimum cumulative grade point average of at least a 2.5, have five years of experience considered relevant by the employing LEA, or have passed the NTE PRAXIS 1 exams (Preprofessional Skills Tests in Reading, Writing, and Mathematics) and have attained one of the following:

- (i) a grade point average of at least 3.0 on all work completed in the senior year;
 - (ii) a grade point average of at least 3.0 in the major; or
 - (iii) a grade point average of at least 3.0 on a minimum of 15 semester hours of coursework completed within the last 5 years.
 - (2) A person who holds a lateral entry license shall complete a program that includes the following components:
 - (A) completion of an approved teacher education program in the area of licensure at a college or university or completion of a program of study outlined by the RALC;
 - (B) attaining a passing score on the PRAXIS subject exam(s) during the first two school years of holding the lateral entry license if the exam was not the basis of qualifying for the license;
 - (C) completion of a staff development program that includes a two-week training course prior to beginning the work assignment;
 - (D) completion of six semester hours of course work in the approved program each school year;
 - (E) successful completion of at least a three-year initial licensure program in the lateral entry license area; and
 - (F) completion of all the requirements of this Subparagraph within three years of becoming eligible for a lateral entry license and the recommendation of the IHE or RALC for a non-provisional (clear) license.
 - (3) Individuals who possess five or more years of experience considered relevant by the employing LEA and who satisfy testing requirements for the licensure area within the first year of teaching shall be issued an initial license upon:
 - (A) completion of the NC TEACH modules or the equivalent through an approved teacher education program: 1) The Teacher, The Learner, and The School; 2) Diversity; 3) Content Area Pedagogy;
NOTE: The NC TEACH modules are offered and administered through North Carolina colleges and universities that have approved teacher education preparation programs.
 - (B) completion of the NC TEACH module on Instructional Technology or its equivalent through an approved teacher education program, community college, or through professional development offered by the employing LEA; and
 - (C) completion of one year of successful teaching as verified by the employing LEA.
 - (4) The employing LEA shall commit in writing to:
 - (A) provide a two-week pre-work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end-of-grade and end-of-course testing;
 - (B) assign the person a mentor on or before the first day on the job;
 - (C) provide working conditions that are similar to those for novice teachers;
 - (D) give regular focused feedback to the person for improving instruction; and
 - (E) assist the person in accessing prescribed course work and professional development opportunities.
- (c) A person who is qualified to hold at least a class "A" teaching license may be issued additional areas of licensure on a provisional basis as needed by LEAs. The person must satisfy deficiencies for full licensure at the rate of six semester hours per year. The person must complete this yearly credit before the beginning of the following school year and the credit must be directly applicable to the provisional area(s). The person must complete all credit requirements by the end of the fifth year of provisional licensure.
- (d) The Department shall issue an emergency license to persons who hold at least a baccalaureate degree but who do not qualify for a lateral entry license. The emergency license shall be valid for one year and may not be renewed. When it requests an emergency license for a person, the LEA must document that no appropriately licensed professionals or persons who are eligible for a lateral entry license are available to accept the position.
- (1) To be eligible for an emergency license, the person must have attained a bachelor's degree from a regionally-accredited IHE and be recommended by the employing LEA.
 - (2) A person who holds an emergency license shall complete a program that includes the following components:
 - (A) The employing LEA shall commit in writing to:

- (i) provide a two-week pre-work orientation that includes lesson planning, classroom organization, classroom management, and an overview of the ABCs Program including the standard course of study and end-of-grade and end-of-course testing;
- (ii) assign the person a mentor on or before the first day on the job;
- (iii) provide working conditions that are similar to those for novice teachers;
- (iv) give regular focused feedback to the person for improving instruction; and
- (v) assist the person in obtaining a teaching license.
- (B) The person shall complete a staff development program that includes a two-week training course prior to beginning the work assignment.
- (C) The LEA shall provide the person with on-going support designed to enhance the person's classroom teaching performance.

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. January 2, 2006; August 1, 2000; March 1, 1990.

16 NCAC 06C .0306 LICENSE ENDORSEMENT

Within the operation of programs approved under Rule .0202 of this Subchapter, IHEs may recommend persons who qualify for full licensure for an endorsement to that license. The department shall issue an endorsement based on a minimum of 18 hours in a specific content area where these hours are specifically related to that license area. License endorsements shall be restricted to less than half-time teaching assignments.

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. August 1, 2000; March 1, 1990.

16 NCAC 06C .0307 LICENSE RENEWAL

(a) Licenses shall be valid for a period of five years from the effective date of issuance. Holders must renew their licenses within each five-year period. The Department shall apply license renewal credit to the person's license field(s) and professional duties.

(b) The Department shall base renewal or reinstatement of a license on 15 units of renewal credit. A unit of credit shall be equal to one quarter hour or two-thirds of a semester hour of IHE college or university credit, 10 hours of professional development, or one school year of teaching experience.

(c) Effective July 1, 2007, school administrators shall earn at least five renewal credits during each renewal cycle that focus on the principal's role in teacher effectiveness, teacher evaluations, teacher support programs, teacher leadership, teacher empowerment, and teacher retention.

(d) Currently employed personnel shall maintain an individual growth plan. These persons may obtain renewal credit for the following activities:

- (1) college or university credit;
- (2) teaching experience (one unit for each year);
- (3) earning National Board for Professional Teaching Standards certification or completion of the National Board for Professional Teaching Standards certification process, which shall result in fifteen units of renewal credit;
- (4) completing National Board for Professional Teaching Standards certification renewal, which shall result in five units of renewal credit;
- (5) completion of activities that meet the following criteria based upon one unit of renewal credit per 10 clock hours:
 - (A) the activity shall be delivered in a minimum of 10 clock hours over time with on-the-job application, feedback, and follow-up;
 - (B) the activity shall have identified goals and objectives that are designed to increase knowledge or skills in the person's license area or job assignment;
 - (C) the activity shall include focused content and instruction that are sequenced to develop specified competencies of a specific population;
 - (D) the activity shall be conducted by instructional personnel approved by the sponsoring school unit or employer; and

- (E) the activity shall include a focused evaluation designed to gauge the change in learner knowledge or skill and to guide the development of future programs;
- (6) independent study of no more than five units of renewal credit per five-year renewal period which meets the following criteria:
 - (A) teachers and other licensed personnel help to develop local independent study procedures which the superintendent shall keep on file and periodically send to each licensed employee; and
 - (B) the employee and the superintendent or his or her designee shall plan the experience in advance, including identification of competencies to be acquired and an evaluation to determine satisfactory achievement of those competencies.
- (e) LEAs and governing boards of schools shall assure that all local courses, workshops and independent study activities which do not carry IHE credit meet the standards contained in this Rule.
- (f) LEAs may develop an alternative license renewal plan that is competency-based and results-oriented. The plan must describe the connection among professional development, the school improvement plan, and the individual's license area or job responsibilities through processes such as peer review and annual evaluation. The plan may waive specific hour requirements that a licensed employee must meet and focus instead on knowledge and skill acquired by participants. The plan must include outcome measures and must be submitted to the Department for review in advance of its implementation.
- (g) LEAs must adopt a procedure to determine the appropriateness of credit in advance of renewal activities. In determining appropriateness the LEA must consider direct relationship to critical job responsibilities, school improvement plans, and SBE strategic priorities to properly establish credit for the activity. Each LEA must report on participation in and effectiveness of professional development to the North Carolina Professional Teaching Standards Commission on an annual basis.
- (h) Persons who hold a North Carolina license but who are not currently employed in the public schools or by governing boards of nonpublic schools may earn renewal credit in college or university credit activities, or local courses and workshops on the same basis as currently employed persons. The Department shall evaluate the appropriateness of the credits based on their direct relationship to the license field, the suitability of the content level, and the requirements set out in Paragraph (d) of this Rule.

History Note: Authority G.S. 115C-12(9)(a); N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. January 2, 2006; August 1, 2000; January 2, 1998; July 1, 1994; December 1, 1991.

16 NCAC 06C .0308 EXPIRED LICENSES

All expired licenses shall be invalid until reinstated. An applicant must earn a minimum of 15 units of credit during the five-year period immediately preceding the date of application for reinstatement to be eligible for reinstatement. A reinstated license shall be valid for a five-year period that begins from the date of completion of the required credits.

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. August 1, 2000.

16 NCAC 06C .0309 RECIPROCITY IN LICENSURE

History Note: Authority G.S. 115C-12(9)a; N.C. Constitution, Article IX, s. 5;
 Eff. July 1, 1986;
 Amended Eff. August 1, 2000; March 1, 1990;
 Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0310 STANDARD EXAMINATIONS

History Note: Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5;
 Eff. July 1, 1986;
 Amended Eff. February 1, 1995; July 1, 1994; July 1, 1993; May 1, 1991;
 Codifier determined that agency findings did not meet criteria for temporary rule;

Temporary Amendment Eff. July 30, 1997;
Repealed Eff. March 5, 1998 pursuant to S.L. 1997-383.

16 NCAC 06C .0311 TEMPORARY PERMIT

History Note: Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. August 1, 2000; March 1, 1990;
Temporary Amendment Eff. June 20, 2001;
Temporary Amendment Expired March 29, 2002;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0312 LICENSE SUSPENSION AND REVOCATION

History Note: Authority G.S. 115C-12(9)a.; N.C. Constitution, Article IX, s. 5;
Eff. July 1, 1986;
Amended Eff. January 1, 1988;
ARRC Objection Lodged Eff. February 22, 1990;
ARRC Objection Removed Eff. March 15, 1990;
Amended Eff. December 1, 2004; August 1, 2000; October 1, 1993; November 1, 1990; August 1, 1990;
Expired Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.

16 NCAC 06C .0313 CRIMINAL HISTORY CHECKS

- (a) An LEA may obtain criminal history checks on applicants for employment as provided in G.S. 115C-332 and on applicants and current employees as provided in G.S. 114-19.2(a).
- (b) An LEA shall not make any employment decision based solely upon the criminal history check (computer printout) provided by the Department of Justice whether provided pursuant to G.S. 115C-332 or G.S. 114-19.2(a). An LEA shall obtain from the repository of the record a certified copy of the applicant's or employee's conviction or shall consult with legal counsel prior to making a final employment decision based on the conviction.
- (c) An LEA shall maintain data from a criminal history check from Department of Justice in paper format only, in a locked, secure place, separate from the individual's personnel file. Only those officials who have been designated by the local board of education as having a need to know the results of a criminal history check may obtain access to the records. Certified copies of records of convictions are public records and need not be maintained in accordance with this Rule.
- (d) In the event that the LEA discovers as a result of a criminal history check from Department of Justice that any applicant or employee who possesses a license issued by the SBE has a criminal history, the LEA shall notify in writing the SBE office of legal counsel and shall submit to that office a certified copy of the record of conviction or convictions or information of where to obtain the record of conviction, including the person's name, criminal case number and the county of conviction. The office of legal counsel may initiate license revocation as appropriate.
- (e) Nothing in this Rule is intended to prohibit suspension with or without pay or demotion or dismissal pursuant to the provisions of G.S. 115C-325 without any requirement that there be actual conviction of a crime.

History Note: Filed as a Temporary Adoption Eff. October 10, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority 1995 S.L., c. 373, s. 3;
Eff. June 1, 1996;
Amended Eff. August 1, 2000.

16 NCAC 06C .0314 INITIAL PROFESSIONAL LICENSE: NOTIFICATION OF NON-COMPLIANCE AND SUBMISSION OF EXAMINATION REQUIREMENTS

History Note: Authority G.S. 115C-270.15(d); 115C-270.15(e);
Emergency Adoption Eff. July 23, 2019, pursuant to S.L. 2019-71;
Temporary Adoption Eff. October 25, 2019;
Temporary Adoption Expired Eff. August 11, 2020.

16 NCAC 06C .0315 EVIDENCE OF TEACHER EFFECTIVENESS TO BE SUBMITTED BY LICENSED OUT-OF-STATE TEACHERS SEEKING A CONTINUING PROFESSIONAL LICENSE

History Note: Authority G.S. 115C-270.25;
Emergency Adoption Eff. July 23, 2019, pursuant to S.L. 2019-71;
Temporary Adoption Eff. October 25, 2019;
Temporary Adoption Expired Eff. August 11, 2020.

16 NCAC 06C .0316 GENERAL LICENSURE REQUIREMENTS

History Note: Authority G.S. 115C-270.5; 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. March 17, 2021.

16 NCAC 06C .0317 ROUTE TO LICENSURE

History Note: Authority G.S. 115C-270.20; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0318 LICENSING TESTING REQUIREMENTS

History Note: Authority G.S. 115C-270.15; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0319 LICENSURE RENEWAL REQUIREMENTS

History Note: Authority G.S. 115C-270.30; 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. March 17, 2021.

16 NCAC 06C .0320 EXPERIENCE/DEGREE CREDIT FOR SALARY PURPOSES

History Note: Authority G.S. 115C-302.1; 115C-302.3; 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. March 17, 2021.

16 NCAC 06C .0321 LICENSURE SUSPENSION AND REVOCATION

History Note: Authority G.S. 115C-270.35; 115C-19(9); 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.

16 NCAC 06C .0322 LICENSURE FEES

History Note: Authority G.S. 115C-270.10; 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 Rule Eff. Pending Consultation pursuant to G.S. 12-3.1;
Emergency Adoption Expired Eff. October 1, 2020.*

16 NCAC 06C .0323 PROCEDURE FOR SEEKING EXCEPTION FROM LICENSURE REQUIREMENTS

*History Note: Authority G.S. 115C-270.5; 115C-270.20; 115C-270.15; 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 Expired Eff. March 17, 2021.*

16 NCAC 06C .0324 CONVERSION OF INITIAL PROFESSIONAL LICENSE TO CONTINUING PROFESSIONAL LICENSE

*History Note: Authority G.S. 115C-270.20; 115C-270.5; 115C-270.15; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.*

16 NCAC 06C .0325 EDUCATOR PREPARATION PROGRAM (EPP) RECOGNITION AND APPROVAL

*History Note: Authority G.S. 115C-12(9); 115C-268.5, 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.*

16 NCAC 06C .0326 SANCTIONS FOR EDUCATOR PREPARATION PROGRAMS (EPPS)

*History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.45; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.*

16 NCAC 06C .0327 MINIMUM ADMISSIONS REQUIREMENTS AND EXCEPTIONS FOR EDUCATOR PREPARATION PROGRAMS (EPP) LEADING TO INITIAL LICENSURE

*History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.15; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.*

16 NCAC 06C .0328 REPORTS OF ALLEGED VIOLATIONS REGARDING EDUCATOR PREPARATION PROGRAMS (EPPS)

*History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.55; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.*

16 NCAC 06C .0329 EDUCATOR PREPARATION PROGRAM (EPP) ACCOUNTABILITY REQUIREMENTS & RISK FACTORS

*History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.40; 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 Rule Eff. August 20, 2019;*

Emergency Adoption Expired Eff. December 6, 2019.

16 NCAC 06C .0330 TEACHER ASSISTANTS AND INTERNSHIPS

*History Note: Authority G.S. 115C-12(9); 115C-268.5; 115C-269.25; 115C-269.30;
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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.*

16 NCAC 06C .0331 SCHOOL ADMINISTRATOR PREPARATION PROGRAMS

*History Note: Authority G.S. 115C-12(9); 115C-284(c); 115C-284.1; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. October 1, 2020.*

16 NCAC 06C .0332 BEGINNING TEACHER SUPPORT

*History Note: Authority G.S. 115C-12(9); 115C-300.1; 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. March 17, 2021.*

16 NCAC 06C .0333 CLINICAL PRACTICE IN EDUCATOR PREPARATION PROGRAMS (EPPS)

*History Note: Authority G.S. 115C-269.1; 115C-269.5; 115C-269.10; 115C-269.15; 115C-269.25; 115C-269.30; 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. December 6, 2019.*

16 NCAC 06C .0334 DEFINITIONS

The following definitions apply throughout this Section unless the context indicates otherwise:

- (1) Ratings on the domains of the North Carolina Educator Evaluation System (NCEES) are in order of quality (lowest to highest) as follows: Not Demonstrated, Developing, Proficient, Accomplished, and Distinguished.
- (2) "Accomplished" means a teacher who, on the most recent summative evaluation, has received ratings of accomplished or higher on three of the five standards or accomplished on one standard of an abbreviated evaluation, which must include Standard 4.
- (3) "Accredited" or "Regionally Accredited" means an EPP has received accreditation from a national accrediting body (the Council for the Accreditation of Educator Preparation (CAEP) or the Association for Advancing Quality in Educator Preparation (AAQEP)) or received accreditation from a regional accrediting body (Higher Learning Commission (HLC), Middle States Commission on Higher Education (MSCHE), New England Commission of Higher Education (NECHE), Northwest Commission on Colleges and Universities (NWCCU), Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), WASC Senior College and University Commission (WSCUC)
- (4) "Beginning Teacher Support Program" means a program that provides ongoing support for teachers entering the profession.
- (5) "Beginning teacher" means a teacher who is within his or her first three years of teaching.
- (6) "Career and Technical Education (CTE) Restricted License" means a three year license that requires educators to have related work experience for the CTE program area as well as a related degree from a regionally accredited college or university unless it is a high school diploma level license. CTE Restricted License holders are restricted to teaching only in the area of licensure and additional non-CTE license areas may not be added to the license.

- (7) "CPL" means a Continuing Professional License.
- (8) "Distinguished" means a teacher who, on the most recent summative evaluation, has received ratings of distinguished on three of the five standards or on one of distinguished on one for abbreviated evaluations, which must include Standard 4.
- (9) "ECGC" means Exceptional Children General Curriculum.
- (10) "ELED" means Elementary Education.
- (11) "EPP" means an Educator Preparation Program.
- (12) "In-State Applicant" means an applicant for licensure who received training and a recommendation from a North Carolina approved Educator Preparation Program (EPP).
- (13) "IPL" means an Initial Professional License.
- (14) "Junior Reserve Officer Training Corps (JROTC) License" means a license that is issued to a former military service person to teach the federally sponsored school program which is designed to instill in students the values of citizenship, service to the United States, personal responsibility and a sense of accomplishment.
- (15) "NCDPI" or "DPI" means the North Carolina Department of Public Instruction.
- (16) "NCEES" means the North Carolina Educator Evaluation System.
- (17) "NCSBE" or "SBE" means the North Carolina State Board of Education.
- (18) "Out-of-State Applicant" means an applicant for licensure who receives training and a recommendation from an approved Educator Preparation Program (EPP) in another state or country regardless of residency.
- (19) "PEPSC" means the Professional Educator Preparation and Standards Commission.
- (20) "Permit to Teach License" means a one-year nonrenewable license issued to individuals who do not qualify for any other type of license.
- (21) "Praxis" means the Praxis Core Academic Skills for Educators assessment.
- (22) "Proficient" means a teacher has received ratings of proficient or higher on three of the five standards on the most recent summative evaluation, or on Standards 1 and 4 for teachers on an Abbreviated Evaluation.
- (23) "Provisional License" means an educator license that is valid for one year and can be extended for up to five years for a teaching and student services licensure area or three years for school counseling and assistant principals at the request of an LEA.
- (24) "Regional Assistance Licensing Center" or "RALC" is a State Board of Education authorized educational entity that serves as an extension of the Department of Public Instruction licensure section to review transcripts and prescribe plans of study leading to licensure for lateral entry, CTE restricted, and provisional license holders.
- (25) "Student Services" means any non-instructional personnel providing specialized assistance to students, teachers, administrators, or the education program in general Student services personnel include individuals employed in school counseling, school social work, school psychology, audiology, speech-language pathology, and media coordination.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5;
Eff. October 1, 2020.

16 NCAC 06C .0335 NORTH CAROLINA EDUCATOR LICENSE FOR AREA OF ASSIGNMENT

An individual employed as an educator in a North Carolina public school shall hold an educator's license in the licensure area of his or her assignment.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-295;
Eff. October 1, 2020.

16 NCAC 06C .0336 LICENSE LEVELS FOR A NORTH CAROLINA EDUCATOR LICENSE

- (a) In order to qualify for a North Carolina educator license, an applicant must meet all educational requirements appropriate for the license level issued, as prescribed by a North Carolina State Board of Education-approved Educator Preparation Program, and must hold a diploma or degree at the designated level or higher.
- (b) The five levels of professional educator licenses available in North Carolina are as follows:

- (1) "V" which requires a High School Diploma or Associates Degree and is only appropriate for Career and Technical Education (CTE) and Junior Reserve Officer Training Corps (JROTC) licenses;
- (2) "A" which requires a Bachelor's Degree;
- (3) "M" which requires a Master's Degree;
- (4) "S" which requires a Specialist or Advanced Degree; and
- (5) "D" which requires a Doctorate Degree.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-295; Eff. October 1, 2020.

16 NCAC 06C .0337 BASIC ENTITY DATA TO APPLY FOR A NORTH CAROLINA EDUCATOR LICENSE

All applicants for a North Carolina educator license shall provide the following basic entity data through the North Carolina Department of Public Instruction's secure, online licensure system:

- (1) Social Security Number;
- (2) Full legal name;
- (3) Date of birth;
- (4) Mailing address;
- (5) Telephone number; and
- (6) Non-school email address.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; Eff. October 1, 2020.

16 NCAC 06C .0338 LICENSURE TRANSACTION CHECKLIST TO APPLY FOR A NORTH CAROLINA EDUCATOR LICENSE

In addition to basic entity data required by Rule .0337 of this Section, any applicant applying for a North Carolina educator license shall provide documentation to complete the licensure transaction checklist, which includes the following:

- (1) Statement of applicant, which is an attestation of applicant regarding previous criminal conviction or adverse action taken against a professional license, and supporting documents if applicable;
- (2) Education as provided by Rule .0336 of this Section;
- (3) File attachments to support statements made on the licensure application;
- (4) All official degree dated transcripts;
- (5) Verification by institution form and any applicable valid and current out-of-state educator license;
- (6) Work Authorization, if applicable;
- (7) National Board Certification, if applicable;
- (8) Effectiveness data as defined by Rule .0354 of this Section, if applicable;
- (9) Experience forms, if applicable;
- (10) Test scores, if applicable; and
- (11) Licensure Fees as provided for by Rule .0371 of this Section.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.10; 115C-270.15; 115C-270.20; 115C-270.25; Eff. October 1, 2020.

16 NCAC 06C .0339 REQUIREMENTS TO BE ISSUED A CONTINUING PROFESSIONAL LICENSE FOR AN EDUCATOR

In addition to the requirements set forth in G.S. 115C-270.20(a)(1), an applicant seeking a Continuing Professional License (CPL) shall:

- (1) hold a current teaching license in North Carolina or another state;
- (2) pass the North Carolina licensure exam(s) associated with the license area or a comparable exam if from another state; and
- (3) Submit effectiveness data as described in Rule .0354 of this Section, if the applicant is from out-of-state.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25;
Eff. October 1, 2020.

16 NCAC 06C .0340 REQUIREMENTS TO BE ISSUED AN INITIAL PROFESSIONAL LICENSE FOR AN EDUCATOR

In addition to the requirements set forth in G.S. 115C-270.20(a)(3), to be issued an Initial Professional License (IPL), an applicant shall submit the following information:

- (1) official degree dated transcripts;
- (2) recommendation by the EPP or approval by the SBE; and
- (3) any applicable valid and current out-of-state educator license.

If an applicant is seeking direct approval from the SBE, the hiring or employing Local Education Agency shall submit an application. The SBE shall approve the applicant if he or she has completed all the academic, field, clinical, and professional requirements for licensure as prescribed for program completion by his or her cooperating EPP, except passing licensure exams.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.15; 115C-270.20;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0341 REQUIREMENTS TO BE ISSUED A RESIDENCY LICENSE

(a) To be issued a Residency License (RL) at the request of a local board of education pursuant to G.S. 115C-270.20(a)(5), an applicant must meet all SBE requirements appropriate for the license as follows:

- (1) Submit official degree dated transcripts;
- (2) Be employed by a LEA;
- (3) Have either completed 24 hours of coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the SBE; and
- (4) Be enrolled in a SBE approved EPP.

(b) The information required by Paragraph (a) of this Rule, other than the official degree dated transcripts, must be verified on the Residency License form by the LEA and EPP.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0342 REQUIREMENTS TO ADD A PROVISIONAL TEACHING AREA TO A NORTH CAROLINA EDUCATOR LICENSE

(a) A provisional license to teach in a licensure area may be added as described in Rule .0344 of this Section to a Continuing Professional License (CPL), Initial Professional License (IPL), and Career and Technical Education (CTE) Restricted license issued at the license levels A, M, S, or D as described in Rule .0336 of this Subchapter.

(b) To "clear" a teaching provisional license, an educator must pass required licensure exams or complete 24 coursework hours for the licensure area.

(c) To "clear" a student services or assistant principal provisional license, an educator must complete an approved licensure program.

(d) CTE Restricted licensees must clear provisionally added license area(s) by meeting State Board of Education requirements.

History Note: Authority G.S. 115C-12; 115C- 68.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0343 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0344 REQUIREMENTS TO BE ISSUED A PROVISIONAL LICENSE FOR STUDENT SERVICES PERSONNEL AND TEACHERS

(a) To be issued a Provisional License, an applicant shall complete all State Board of Education (SBE) requirements for the license areas as follows:

- (1) School Counselor Licensee shall:
 - (A) Be enrolled in an accredited school counselor preparation program and have completed a minimum of 24 graduate semester hours of that program with completion of remaining requirements within three years; or have completed a master's degree in addiction; career; clinical mental health; clinical rehabilitation; college counseling and student affairs; marriage, couple, and family counseling; or rehabilitation counseling from a regionally accredited college or university and be enrolled in an accredited school counselor preparation program to complete additional master's level courses needed to add school counseling specialization with completion of remaining requirements within three years;
 - (B) Submit official degree dated transcripts to document verification of a bachelor's degree; and
 - (C) Be employed by an LEA.
- (2) School Social Work Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Have completed a bachelor's, master's, specialist, or doctoral degree in social work; and
 - (C) Submit official degree dated transcripts.
- (3) Media Coordinator Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Obtain an "A" level teaching license or bachelor's degree in media or have completed 18 graduate semester hours applicable toward a school media coordinator program; and
 - (C) Submit official degree dated transcripts.
- (4) School Psychology Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Have completed all program requirements at the graduate level except for the thesis or internship and submit written confirmation from the college or university at which the individual has matriculated concurrent with the individual's employment; and
 - (C) Submit official degree dated transcripts.
- (5) Curriculum and Instructional Specialist Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Obtain a Master's level teaching license and have a minimum of five years of teaching experience in that license area
 - (C) Submit official degree dated transcripts.
- (6) Exceptional Children Program Administrator Licensee shall:
 - (A) Be employed by an LEA;
 - (B) Obtain a Master's level license in an exceptional children's area, curriculum instruction, or school administration, or graduate level license in school psychology; and
 - (C) Submit official degree dated transcripts.
- (7) Teaching Area Licensee shall be employed by an LEA.

(b) A Provisional license for a Student Services Licensee may be issued at a degree level other than that required for the Educator Preparation Program (EPP) recommendation.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0345 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0346 REQUIREMENTS TO BE ISSUED A PERMIT TO TEACH

To be issued a Permit to Teach, which is a one-year nonrenewable license, an applicant must complete all requirements as follows:

- (1) Be employed by a local education agency (LEA);
- (2) Submit documentation from the LEA that no appropriately licensed professionals or persons who are eligible for a residency license are available to accept the position; and
- (3) Hold a bachelor's degree and do not qualify for a license under any other pathway.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0347 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0348 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0349 COMPARABILITY FOR OUT-OF-STATE LICENSURE EXAMS

(a) An out-of-state licensure exam shall be considered comparable to the North Carolina State Board of Education (SBE) approved licensure exam if:

- (1) The out-of-state licensure exam satisfied one component of the licensure process in that state at the time the exam was taken; and
- (2) The out-of-state applicant demonstrates a score on the exam that meets or exceeds the passing score, or range of scores, established by the test developer.

(b) An out-of-state applicant for the initial professional license (IPL) or continuing professional license (CPL) shall meet the SBE required exam score when comparable testing is the same test code and produced by the same test developer.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.15; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0350 DURATION OF AN INITIAL PROFESSIONAL LICENSE

(a) An IPL issued pursuant to G.S. 115C-270.20(a)(3) and Rule .0340 of this Section shall begin July 1 of the fiscal year the license is issued and end June 30 of the third year following.

(b) An IPL may be extended to allow an individual to accrue sufficient teaching experience to convert to a CPL, provided that all testing requirements for converting to a CPL have been met as referenced in Rule .0339 of this Section.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0351 TESTING REQUIREMENTS TO CONVERT AN EXPIRED LICENSE

If a license expires due to failure to pass the licensure exams required by the SBE for the license area, an individual may still convert to a CPL once he or she has passed the licensure exam(s), provided that all requirements as referenced in Rule .0339 of this Section are met.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0352 TESTING REQUIREMENTS TO CONVERT A LATERAL ENTRY LICENSE

If a current Lateral Entry License expires due to the holder's failure to pass a State Board of Education required licensure exam, an individual may still convert the license until June 30, 2022 once testing requirements are met, and upon recommendation by a state-approved Educator Preparation Program or the Regional Assistance Licensing Center (RALC).

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0353 DEADLINE FOR LICENSURE TESTING REQUIREMENTS

The deadline for an individual to complete State Board of Education licensure testing requirements is June 30 of the third year of the license.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0354 EVIDENCE OF TEACHER EFFECTIVENESS FOR AN OUT-OF-STATE APPLICANT SEEKING A CONTINUING PROFESSIONAL LICENSE

An applicant who possesses three or more years of teaching experience and holds an IPL or its equivalent in a state other than North Carolina shall be eligible for a continuing professional license, provided that he or she submits to the Department of Public Instruction evidence of his or her effectiveness, which shall include the following:

- (1) a copy of a current, valid out-of-state teaching license in good standing;
- (2) information identifying all of the schools and school systems in which the applicant is teaching or has taught;
- (3) documentation of effective instructional practice in the form of a written classroom observation evaluation; and
- (4) documentation of teacher effectiveness:
 - (a) documentation of teacher effectiveness as measured by the evaluation system used in that applicant's state of current licensure at the time of application, including any growth measures included in that state or school district's evaluation system, along with relevant documentation corresponding to each submitted item of evidence indicating the scale by which effectiveness is measured affirming that the applicant was deemed effective; or
 - (b) a notarized letter from the State Education Agency (SEA) affirming that the teacher was deemed effective according to that state's educator effectiveness model.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.25; Eff. October 1, 2020.

16 NCAC 06C .0355 LICENSURE TESTING REQUIREMENTS FOR OUT-OF-STATE APPLICANTS WITH FEWER THAN THREE YEARS OF TEACHING EXPERIENCE

An out-of-state applicant with fewer than three years of teaching experience must pass the North Carolina State Board of Education approved licensure examinations, provided, if the applicant is seeking an IPL in a teaching area other than ELED or ECGC, he or she can submit his or her score on a different examination in a comparable teaching area if that score meets or exceeds the test developer's recommended cut score for that examination in the year administered.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; Eff. October 1, 2020.

16 NCAC 06C .0356 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0357 REQUIREMENTS TO BE ISSUED AN INTERNATIONAL FACULTY LICENSE

- (a) An applicant for an International Faculty License must complete all requirements as follows:
 - (1) hold a cultural exchange visa;
 - (2) hold a baccalaureate degree from an institution with accreditation comparable to regional accreditation in the United States;
 - (3) meet the requirements to teach in a country in which he or she has resided during the past three years; and
 - (4) have two years of classroom teaching experience.
- (b) The applicant may extend the license for an additional two years at the request of the employing LEA or charter school and submission of documentation of an extension of the visa from the U.S. Department of State.
- (c) The International Faculty license holder shall qualify for the standard Initial Professional License (IPL), Continuing Professional License (CPL), Residency License, and Career Technical Education (CTE) Restricted License upon meeting all license requirements and providing U.S. Department of State. work authorization.
- (d) International Faculty License holders must provide an evaluation of an international transcript for education equivalency from a professional evaluation agency such as International Education Evaluation, LLC, and members of the National Association for Credential Evaluation Services.
- (e) An International Faculty License is issued at the A Level with zero years of experience and remains at that level for the duration of that license.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;

Eff. October 1, 2020.

16 NCAC 06C .0358 RESTRICTIONS TO BE ISSUED AN ALTERNATIVE LICENSE

Once an individual holds a Residency License the individual may not hold a Permit to Teach or Emergency License.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.*

16 NCAC 06C .0359 RESTRICTIONS FOR AN EMERGENCY LICENSE

- (a) The issuance of an Emergency License pursuant to G.S. 115C-270.20(a)(2) to an individual shall not guarantee that the license holder will qualify for any other type of licensure.
- (b) The Emergency License shall be issued only at the A-level but may qualify for experience credit as referenced in Rules .0364 and .0365 of this Section.
- (c) An Emergency License shall not be granted an extension.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.*

16 NCAC 06C .0360 APPLICANT ELIGIBILITY TO BE ISSUED A LIFETIME LICENSE

Administrator and student-support licenses are not eligible for the Lifetime License; however, administrators and other student-support professionals are eligible for a Lifetime License in an approved teaching area provided they have met the 30-year requirement pursuant to G.S. 115C-270.20(a)(4).

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.*

16 NCAC 06C .0361 RENEWAL REQUIREMENTS FOR AN EDUCATOR WHO HAS NOT DEMONSTRATED PROFICIENCY ON THE ANNUAL EVALUATION

- (a) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year may be placed on a mandatory improvement plan by the employing Local Education Agency (LEA).
- (b) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year and who is placed on a mandatory improvement plan may be eligible to receive an Initial Professional License (IPL) provided all other licensure requirements are met.
- (c) The term of the mandatory improvement plan shall be 90 instructional days or before the beginning of the next school year for teachers in schools identified as low performing and at least 60 instructional days for teachers in schools not identified as low performing.
- (d) An educator whose Continuing Professional License (CPL) expires due to performance issues in the license renewal year and who is not placed on a mandatory improvement plan shall be deemed to have an “expired” teaching license.
- (e) An educator whose license has expired pursuant to Paragraph (d) of this Rule shall be eligible to apply for an IPL after a 30-day waiting period.

*History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.30;
115C-333; 115C-333.1;
Eff. October 1, 2020.*

16 NCAC 06C .0362 RENEWAL CREDIT REQUIREMENTS TO RENEW A CONTINUING PROFESSIONAL LICENSE FOR TEACHERS AND SUPPORT SERVICE PERSONNEL

A teacher or student services personnel who holds a Continuing Professional License (CPL) shall meet the following renewal credit requirements:

- (1) A teacher with a K-12 license must meet the licensure renewal requirements as set forth in this Rule for the grade-span corresponding to their teaching assignment.
- (2) A teacher of grades K-5 must complete 8.0 renewal credits during the term of his or her license that meet the following requirements:
 - (a) 3 renewal credits in their academic subject area;

- (b) 3 renewal credits addressing literacy pursuant to G.S. 115C-270.30(b)(2); and
- (c) 2 renewal credits addressing the Digital Learning Competencies.
- (3) A teacher of grades 6-12 must complete 8.0 renewal credits during the term of his or her license that meet the following requirements:
 - (a) 3 renewal credits in their academic subject areas;
 - (b) 2 renewal credits addressing the Digital Learning Competencies; and
 - (c) 3 general credits at the discretion of the employing LEA, other than credit for teaching experience.
- (4) Student services personnel must complete 8.0 renewal credits during each five-year renewal cycle that meet the following requirements:
 - (a) 3 renewal credits that align with the expectations of the North Carolina standards for their professional discipline area;
 - (b) 2 renewal credits addressing the Digital Learning Competencies; and
 - (c) 3 general credits at the discretion of the employing LEA, other than credit for teaching experience.
- (5) Educators completing the National Board for Professional Teaching Standards certification process shall earn all 8.0 renewal credits for completion of the process and certification. Educators who are in the national board renewal cycle shall earn two credits.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.1; 115C-270.5; 115C-270.20; 115C-270.30;
 Emergency Adoption Eff. August 20, 2019;
 Eff. March 17, 2021.

16 NCAC 06C .0363 RENEWAL CREDIT REQUIREMENTS TO RENEW A CONTINUING PROFESSIONAL LICENSE FOR SCHOOL ADMINISTRATORS

School administrators must complete 8.0 renewal credits during the term of the license that meet the following requirements:

- (1) 3 renewal credits that focus on the school executive's role as instructional, human resources, and managerial leader;
- (2) 2 renewal credits addressing the Digital Learning Competencies; and
- (3) 3 general credits at the discretion of the employing LEA, not to include years of work experience.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-270.30; 115C-284;
 Emergency Adoption Eff. August 20, 2019;
 Eff. March 17, 2021.

16 NCAC 06C .0364 EXPERIENCE CREDIT FOR SALARY PURPOSES

- (a) For the purposes of establishing teaching experience credit requirements as a North Carolina educator to meet G.S. 115C-302.1, an educator must work for at least 15 hours per week in order for the experience to be considered for receiving teaching experience on an educator license in a local education agency (LEA) on a prorated basis.
- (b) An educator in an LEA or college may combine full-time experience of less than six calendar months in one fiscal year with another fiscal year of part-time or full-time experience to equal one year of experience credit to receive teaching experience.
- (c) An educator may receive teaching experience on their license for college teaching based on the number of clock hours spent in the classroom teaching per week. Six class hours per week shall be considered half-time teaching and twelve class hours per week shall be considered full-time teaching.
- (d) With a recommendation from the employing LEA, an educator may establish non-teaching experience working as a tutor, clerical paraprofessional, or substitute teacher.
- (e) For purposes of this Rule, "full-time" means 30 hours of work per week and "part-time" means at least 15 hours of work per week.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; 115C-302.1;
 Emergency Adoption Eff. August 20, 2019;
 Eff. March 17, 2021.

16 NCAC 06C .0365 NON-TEACHING WORK EXPERIENCE CREDIT REQUIREMENTS FOR NORTH CAROLINA EDUCATORS

(a) An educator may receive credit for non-teaching work experience when it is determined to be relevant and directly related to the educator's work assignment and license held.

(b) For the purposes of this Rule, "non-teaching work experience" means professional work experience in public or private sectors that is directly related to an individual's area of licensure and work assignment, including the following:

- (1) work experience earned while self-employed if it is verified by a tax attorney or an accountant who prepared the educator's tax returns or by a company co-owner; or
- (2) full-time non-teaching work experience of less than six calendar months in one fiscal year if when combined with another fiscal year of part-time or full-time non-teaching work experience equals at least one year of experience credit.

(c) Credit for non-teaching work experience is not transferable to other licensure areas for which the experience is not relevant.

(d) To be eligible for credit, the non-teaching work experience must meet the following criteria:

- (1) was at least half-time, which is defined as 20 hours or more per week or full time, which is defined as 40 hours or more per week;
- (2) was completed after age 18;
- (3) did not include on-the-job training; and
- (4) was paid and documented.

(e) An educator may receive credit for one year of work experience for every two years of full-time relevant work experience completed prior to earning a bachelor's degree or may receive credit for one year of experience for each year of full-time relevant non-teaching work experience completed after earning a bachelor's degree.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3; Eff. October 1, 2020.

16 NCAC 06C .0366 EXPERIENCE CREDIT REQUIREMENTS FOR CAREER AND TECHNICAL EDUCATION TEACHERS

For purposes of calculating salary, Career and Technical Education (CTE) license holders shall receive one year of teaching experience credit for each year of experience in CTE trade or industry relevant to their licensure area prior to becoming a teacher.

History Note: Authority G.S. 115C-12; 115C-151; 115C-153; 115C-154; 115C-156; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3; Eff. October 1, 2020.

16 NCAC 06C .0367 EXPERIENCE CREDIT REQUIREMENTS FOR JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS

Junior Reserve Officers' Training Corps (JROTC) instructors who completed partial service in both active duty and the Military Reserve that totals at least 20 years shall receive 10 years of teaching experience credit for the purposes of calculating salary, provided the service member retired honorably.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; 115C-302.3; Eff. October 1, 2020.

16 NCAC 06C .0368 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0369 REQUIREMENTS FOR AN EDUCATOR TO BE GRANTED MASTER'S DEGREE LEVEL PAY

(a) The North Carolina Department of Public Instruction (NCDPI) shall authorize salary on the master's degree level salary schedule for professional educators who hold master's degrees or advanced degrees that do not lead to a professional educator license if the following criteria are met:

- (1) the master's or higher-level degree is from a regionally accredited Educator Preparation Program (EPP);

- (2) the master's or higher-level degree is in an education or subject area directly related to an existing area of licensure and current teaching assignment or instructional support responsibilities; and
 - (3) the educator's assignment for 50 percent or more of the school day is in the area for which the master's or higher-level degree applies.
- (b) Teachers and student services personnel who complete a degree at the master's, six-year, or doctoral degree level must have:
- (1) completed at least one course toward that degree prior to August 1, 2013; or
 - (2) met the requirements of Paragraph (a) of this Rule for the salary supplement on or before June 30, 2013.
- (c) The recognized regional accreditation bodies include the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Southern Association of Colleges and Schools, and the Western Association of Schools and Colleges.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1; S.L. 2014-100, s. 8.22;
Eff. October 1, 2020.

16 NCAC 06C .0370 EXPERIENCE CREDIT AND GRADUATE PAY RESTRICTIONS ENFORCED BY THE APPEALS PANEL

An educator shall not be awarded experience credit if the Appeals Panel deems the experience or degree not to be related to the areas of licensure and work assignment. An educator shall not be awarded graduate pay if the Appeals Panel deems the master's or higher level degree to be not directly related to the areas of work assignment for 50 percent or more of the school day. Should an educator disagree with a decision regarding an experience credit or graduate pay, he or she can appeal to Office of Administrative Hearings by 60 days after the denial of the request for the credit.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-302.1;
Eff. October 1, 2020.

16 NCAC 06C .0371 LICENSURE FEES FOR NORTH CAROLINA EDUCATORS

(a) At the time an educator submits an application requesting one or more of the licensure services listed below, the educator must pay either the fee specified for the single service requested or the highest of the fees specified for each of several services requested:

- (1) Issue an In-State Initial Professional License - \$70.00
- (2) Issue an Out-of-State Initial Professional License - \$100.00
- (3) Extend Provisional License Area - \$60.00
- (4) Delete License Area - \$60.00
- (5) Change Work Authorization - \$60.00
- (6) Add Area by Program Completion - \$60.00
- (7) Add Experience - \$60.00
- (8) Add Area by Test or 24 Semester Hours - \$60.00
- (9) Add National Board Certification - \$60.00
- (10) Clear Validation - \$60.00
- (11) Upgrade or Clear License Area - \$60.00
- (12) Issue a Late Renewal - \$35.00
- (13) Change Name on a License - \$60.00
- (14) Update Contact Information – No fee
- (15) Correct an Education Record – No fee
- (16) Issue Verification of a North Carolina License - \$30.00
- (17) Provide a Copy of Files or Test Scores - \$30.00
- (18) Add Research Experience - \$30.00
- (19) Issue Initial Alternative License - \$100.00
- (20) Validate an Expired Continuing Professional License - \$60.00
- (21) Extend an Initial Professional License - \$60.00

- (22) Recommend Converting an Initial Professional License to a Continuing Professional License - \$60.00
- (23) Convert to Lateral Entry License - \$60.00
- (24) Convert to Career and Technical Education Restricted License - \$60.00
- (25) Add Alternative Area - \$60.00
- (26) Authorize Masters Pay - \$60.00
- (27) Renew a License - \$35.00
- (28) Upgrade of Clear License Area - \$60.00
- (29) Convert to Initial Professional License - \$60.00
- (30) Convert to Continuing Professional License - \$60.00

(b) All licensure fees are non-refundable and non-transferrable.

(c) An educator shall not submit an application for any service for which they do not currently qualify, provided, an educator may submit an application for a service pending notification of a nondiscretionary act of a third party.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.10;
Eff. October 1, 2020.

- 16 NCAC 06C .0372 DENYING A LICENSE APPLICATION OR SUSPENSION OR REVOCATION OF A LICENSE ISSUED BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION**
- 16 NCAC 06C .0373 REPORTING REQUIREMENTS FOR SUSPECTED CHILD ABUSE BY A LOCAL EDUCATION AGENCY ADMINISTRATOR TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION**
- 16 NCAC 06C .0374 INVESTIGATION REQUIREMENTS TO DETERMINE REASONABLE CAUSE TO SUSPEND OR REVOKE AN EDUCATOR LICENSE**
- 16 NCAC 06C .0375 VOLUNTARY SURRENDER OF AN EDUCATOR LICENSE**
- 16 NCAC 06C .0376 REINSTATEMENT OR ISSUANCE OF A SUSPENDED, REVOKED, OR DENIED LICENSE**

History Note: Authority G.S. 115C-12; 115C-268.1; 116C-268.5; 115C-270.5; 115C-270.20; 115C-270.35; 115C-325; 115C-325.9; 115C-400;
Eff. October 1, 2020;
Temporary Repeal Eff. April 5, 2024.

16 NCAC 06C .0377 RESERVED FOR FUTURE CODIFICATION

16 NCAC 06C .0378 CIRCUMSTANCES FOR SEEKING EXCEPTION FROM LICENSURE REQUIREMENTS

(a) The SBE shall, upon request, grant one year extensions of time to satisfy licensure requirements upon a showing of "extenuating circumstances" for individuals who:

- (1) Following initial licensure, have not completed the course work required to maintain a license; or
- (2) Have not met other licensure requirements.

(b) "Extenuating circumstances" shall be defined as the unpredictable illness or disability of the teacher, the death, disability, or illness of a member of the teacher's family, or other unforeseeable emergencies beyond the control of the teacher, provided that the emergency had a direct and immediate impact on the teacher's ability to complete the licensure requirements.

(c) The process for requesting an extension is outlined in Rule .0379 of this Section.

History Note: Authority G.S. 115-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20;
Eff. October 1, 2020.

16 NCAC 06C .0379 ONE-YEAR EXTENSION PROCESS FOR COURSEWORK REQUIREMENTS TO FULFILL LICENSURE REQUIREMENTS

A Local Education Agency (LEA) may apply to the State Board of Education for a one-year extension of time to satisfy State licensure requirements for an individual who, due to extenuating circumstances, has not completed the

course work required to maintain a license. The application for this extenuating circumstance shall include the documentation set forth in this Rule.

- (1) A document, signed by the individual, which includes:
 - (a) a description of the extenuating circumstances that the teacher claims prevented him or her from satisfying the requirements for licensure;
 - (b) a request for an extension of his or her license for one additional year to complete the course work required to maintain a license; and
 - (c) an acknowledgment that the teacher understands that the materials submitted to the State Board of Education in support of his or her request are public records subject to disclosure under Chapter 132 of the North Carolina General Statutes.
- (2) Copies of medical or other documentation to support the individual's claim of extenuating circumstances.
- (3) A document, signed by the North Carolina principal who most recently supervised the individual, which includes:
 - (a) the dates the principal supervised the teacher;
 - (b) evidence of the individual's academic and professional preparation showing that the individual is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to all his or her students;
 - (c) a statement that in the principal's opinion the teacher is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in his or her classroom; and
 - (d) a copy of any of the individual's summative annual evaluations for the past three years.
- (4) A document, signed by the superintendent of the local school system, which includes:
 - (a) a statement certifying that, based upon a review of the individual's and the principal's documentation and evidence, the superintendent believes the individual is competent to teach the standard course of study and has demonstrated the ability to implement effective educational methods that provide differentiated, individualized instruction, assessment and remediation to the students in his or her classroom;
 - (b) a list of the required course work that the applicant has completed;
 - (c) a description of the efforts that the local school administrative unit has made to assist the teacher to complete the required course work;
 - (d) a list of the required course work that the applicant must complete to qualify for a license;
 - (e) a description of the efforts that the local school administrative unit will make to assist the teacher to complete the required course work during the next year of teaching; and
 - (f) a statement that the superintendent believes that the applicant is likely to complete the required course work within the one-year extension.
- (5) a document, signed by the chair of the local board of education, which includes:
 - (a) a certification that the local board of education has investigated the extenuating circumstances that the teacher claims prevented him or her from completing the required coursework for a license without undue hardship;
 - (b) a statement that the local board of education is satisfied that the teacher's description of the circumstances is true;
 - (c) a statement that the local board of education is satisfied that, due to extenuating circumstances, the teacher could not have completed the required coursework for a license without undue hardship; and
 - (d) a certification that the local board of education has approved the employment of the teacher for the next school year, subject only to the State Board of Education's decision to grant the requested one-year extension of the teacher's provisional license.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; Emergency Adoption Eff. August 20, 2019; Eff. March 17, 2021.

16 NCAC 06C .0380 DECISION OF THE STATE BOARD OF EDUCATION FOR A REQUESTED EXTENSION FOR AN EDUCATOR'S LICENSE

(a) An IPL holder may request of the State Board of Education an extension of time to complete licensure requirements for the purposes of converting an IPL to a CPL. The State Board of Education shall make a decision whether to grant the requested extension based on the IPL holder's extenuating circumstances unless otherwise prohibited by state or federal law.

(b) "Extenuating circumstances" means the illness or physical disability of the teacher; the death or catastrophic illness of a member of the teacher's immediate family; or other unforeseeable emergencies, beyond the reasonable control of the teacher, that have a direct and immediate impact on the teacher's ability to complete the licensure requirements.

History Note: Authority G.S. 115-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-270.20; Eff. October 1, 2020.

16 NCAC 06C .0381 BEGINNING TEACHER SUPPORT PROGRAM REQUIREMENTS

(a) All public school units must have a Beginning Teacher Support Program (BTSP) and a Beginning Teacher Support Program Plan (BTSP Plan) that has been approved by the public school unit and by NCDPI. The requirements for a BTSP Plan are the following:

- (1) Align with BTSP Standards, which include:
 - (A) promoting the commitment of all stakeholders in seeing mentoring and induction programs succeed;
 - (B) articulating the process and criteria for mentor selection, discusses mentor roles and responsibilities and delineates foundational mentor training;
 - (C) providing protected time to Beginning Teachers (BT) with support to achieve success in the areas set forth by the North Carolina Professional Teaching Standards as described in Rule .0385 of this Section;
 - (D) providing BTs professional development that orients them in their new career and supports their efforts to meet the North Carolina Professional Teaching Standards as described in Rule .0385 of this Section; and
 - (E) monitoring and supporting BTs and mentoring programs using a formative assessment system to guide their work.
- (2) Document a process to identify and verify all BTs, which includes:
 - (A) completing the Recent Graduate Survey by the BT and the Employer Survey by the principal of the school by the end of the first year of teaching as required in G.S. 115C-269.35;
 - (B) supporting the licensure process for the BT to convert the IPL to a CPL;
 - (C) identifying teachers with fewer than three years of experience;
 - (D) collecting BT data as explained in this Rule for the annual State of the Teaching Profession report as stated in G.S. 115C-12(22) for LEAs only.
- (3) Provide an orientation for every BT within the first two weeks of work for the BT;
- (4) Develop a professional development plan (PDP) for each BT as reviewed in Rule .0383 of this Section;
- (5) Assign every BT a mentor who meets the requirements set forth in Rule .0384 of this Section;
- (6) Provide support and training to mentors;
- (7) Complete any required or prescribed professional development for BTs;
- (8) Provide a recognized process for conducting observations and summative evaluations for all BTs;
- (9) Plan for participation and demonstration of proficiency in BTSP monitoring based on the requirements in this Rule; and
- (10) Plan for participation in the annual BTSP Peer Review Process;
- (11) Provide written statement on how personnel files for BTs are filed and secured;
- (12) Plan for a transfer of BT files to subsequent employing public school units and non-public institutions in North Carolina;
- (13) Document local board of education approval of the BTSP Plan; and
- (14) Provide evidence and documentation to establish the validity and instrument crosswalk for public school units that are using an alternative evaluation system to identify mentors.

(b) All full-time BTs who are pursuing a continuing professional license must participate in a BTSP for three years. A full-time BT is a person employed to fill a vacancy whose regular work week is the number of hours established as full-time for the class of work assigned, but not less than 30 hours per week. For the purposes of this Rule, a "year" is defined as working in a full-time permanent position for six or more calendar months during a North Carolina fiscal year.

(c) The Regional Education Facilitator (REF) team shall monitor the implementation of the BTSP Plan over a five year cycle. If any areas of noncompliance arise, the public school unit must submit a work plan to address those areas, including strategies and timeline. The REF team must review the work plan and approve the plan if all areas of noncompliance are addressed. The REF team must conduct a technical assistance visit one year after monitoring the BTSP Plan to see if the public school unit has implemented and completed their work plan.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1;
Emergency Adoption Eff. August 20, 2019;
Eff. March 17, 2021.

16 NCAC 06C .0382 BEGINNING TEACHER SUPPORT REQUIREMENTS

All public school units must limit the number of children with disabilities as defined in G.S. 115C-106.3 assigned to a BT.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1; 115C-106.3;
Eff. October 1, 2020.

16 NCAC 06C .0383 BEGINNING TEACHER PROFESSIONAL DEVELOPMENT PLAN

(a) All beginning teachers must create a Professional Development Plan (PDP) annually in collaboration with their mentor and the principal or principal's designee.

(b) The PDP must be based on the North Carolina Professional Teaching Standards as described in Rule .0384 of this Section and must include goals, strategies, and assessment of the beginning teacher's progress in improving professional skills.

(c) The beginning teacher, mentor, and principal must meet at the beginning, middle, and end of each year to conduct formative assessment conferences to monitor the progress of the beginning teacher in meeting the goals established by the PDP. Signatures of the beginning teacher, mentor, and principal are required for each formative assessment conference.

(d) All beginning teachers must complete any professional development assigned by the public school unit annually.

(e) All beginning teachers shall be evaluated in the manner outlined in G.S.115C-333.1 using the North Carolina Board of Education approved North Carolina Educator Evaluation System for measuring teacher performance on the North Carolina Professional Teaching Standards.

(f) Public school units with approved BTSP plans must participate in an annual review to evaluate the beginning teacher's performance on the North Carolina Professional Teaching Standards, which includes a beginning teacher self-assessment along with an assessment of the beginning teacher by a co-teacher. This review shall be filed annually with the North Carolina Department of Public Instruction. Data from the annual reviews shall be summarized and analyzed by NCDPI on a five-year cycle.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1;
Eff. October 1, 2020.

16 NCAC 06C .0384 MENTOR PROGRAM REQUIREMENTS

(a) All local boards shall have a mentor program to provide ongoing support for new teachers entering the profession.

(b) Public school units shall select qualified teachers to serve as mentors using the North Carolina Professional Teaching Standards and North Carolina Educator Evaluation System to evaluate teachers unless the public school unit develops an alternative evaluation system that measures teacher performance on standards and criteria similar to those in the North Carolina Professional Teaching Standards and North Carolina Educator Evaluation System.

(c) For the purposes of mentor selection outlined in G.S. 115C-300.1(c), public school units may use the most recently available evaluation for teachers who lack an evaluation from the prior year. Teachers without evaluation

data for two or more consecutive years shall not be eligible to serve as mentor teachers, unless the mentor is a retired teacher.

(d) Any teacher who is assigned to be a mentor to a beginning teacher shall continuously meet eligibility requirements outlined in G.S. 115C-300.1(c).

(e) Mentor assignments and guidelines shall comply with the following expectations:

- (1) mentor selection criteria shall include input from educators, parents, educator preparation program faculty, education nonprofits;
- (2) mentor selection criteria are articulated by program Leadership;
- (3) the process for mentor application and selection is publicly displayed;
- (4) mentors support beginning teacher orientation and provide logistical and emotional support;
- (5) mentors focus their primary support on improving instruction and learning;
- (6) Mentors provide ongoing support and encouragement for the beginning teacher;
- (7) mentors receive initial training regarding their role as mentors and their responsibilities in the induction program;
- (8) mentors receive ongoing training to advance their knowledge and skills; and
- (9) mentors have opportunities to participate in professional learning communities of mentoring practice.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-270.5; 115C-300.1; 115C-333.1; Eff. October 1, 2020.

16 NCAC 06C .0385 THE NORTH CAROLINA PROFESSIONAL TEACHING STANDARDS

LEAs shall use the North Carolina Professional Teaching Standards set forth in this Rule to determine teacher proficiency as a part of the North Carolina Educator Evaluation System (NCEES).

- (1) A teacher shall demonstrate leadership and shall:
 - (a) lead in his or her classroom;
 - (b) demonstrate leadership in the school;
 - (c) lead the teaching profession;
 - (d) advocate for schools and students; and
 - (e) demonstrate high ethical standards.
- (2) A teacher shall establish a respectful environment for a diverse population of students and shall:
 - (a) provide an environment in which each child has a positive, nurturing relationship with caring adults.
 - (b) embrace diversity in the school community and in the world;
 - (c) treat students as individuals;
 - (d) adapt their teaching for the benefit of students with special needs; and
 - (e) work collaboratively with the families and adults in the lives of his or her students.
- (3) A teacher shall understand the content they teach and shall:
 - (a) align his or her instruction with the North Carolina Standard Course of Study;
 - (b) know the content appropriate to their teaching specialty;
 - (c) recognize the interconnectedness of content areas and disciplines; and
 - (d) make instruction relevant to students.
- (4) A teacher shall facilitate learning for his or her students and shall:
 - (a) know the ways in which learning takes place, and know the appropriate levels of intellectual, physical, social, and emotional development of his or her students;
 - (b) plan instruction appropriate for his or her students;
 - (c) use a variety of instructional methods;
 - (d) integrate and utilize technology in his or her instruction;
 - (e) help students develop critical-thinking and problem-solving skills;
 - (f) help students work in teams and develop leadership qualities;
 - (g) communicate effectively; and
 - (h) use a variety of methods to assess what each student has learned.
- (5) A teacher shall reflect on his or her practice and shall engage in the following:
 - (a) analyze student learning;
 - (b) link professional growth to his or her professional goals;
 - (c) function effectively in the teaching environment; and

- (d) contribute to the academic success of students.

History Note: Authority G.S. 115C-12(22); 115C-268.1; 115C-268.5; 115C-299.5; 115C-333; 115C-333.1; 115C-335;
Eff. October 1, 2020.

16 NCAC 06C .0386 SCHOOL ADMINISTRATOR PREPARATION PROGRAM COURSEWORK REQUIREMENTS

All School Administrator Preparation Programs shall incorporate coursework addressing the North Carolina Standards for School Executives including:

- (1) understanding state and federal laws, regulations, and case law that affects North Carolina public schools;
- (2) using technology for effective teaching and learning and administrative duties;
- (3) determining how a child responds to research-based interventions to screen students who may be at risk of academic failure, monitoring the effectiveness of instruction proposed for students identified as at-risk, and modifying instruction as needed to meet the needs of each student;
- (4) applying skills to observe and analyze the teaching of literacy and numeracy across content areas using developmentally appropriate and differentiated instructional strategies to meet the needs of all learners;
- (5) understanding the importance of creating and promoting an engaging, safe school climate;
- (6) understanding and using processes to evaluate licensed staff; and
- (7) using effective leadership and implementation strategies to facilitate professional practices and manage change.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284;
Eff. October 1, 2020.

16 NCAC 06C .0387 SCHOOL ADMINISTRATOR PREPARATION PROGRAM CURRICULUM REQUIREMENTS

All School Administrator Preparation Programs shall offer curriculum aligned with the North Carolina Standards for School Executives described in Rule .0386 of this Section that addresses student learning and school improvement and focuses on the following:

- (1) all grade levels from preschool through grade 12;
- (2) the role of kindergarten through grade 12 instruction, emphasizing literacy and numeracy, curriculum, assessment and the needs of the school or district in improving learning;
- (3) all students, with specific attention to students with special needs, such as specific learning disabilities, English language learners, gifted students, and students in early childhood programs; and
- (4) collaborative relationships with all members of the school community, such as parents, school board members, local school councils or other governing councils, and community partners; and
- (5) the role of instructional and student services personnel.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284;
Eff. October 1, 2020.

16 NCAC 06C .0388 SCHOOL ADMINISTRATOR PREPARATION PROGRAM INTERNSHIP REQUIREMENTS

(a) All School Administrator Preparation Programs must include an internship as part of its curriculum. The internship shall be conducted at one or more public or nonpublic schools to expose the candidate to a variety of school leadership situations in settings that represent diverse economic and cultural conditions, including interaction with various members of the school community. The internship shall include the following components:

- (1) engagement in instructional activities that involve teachers in a variety of disciplines and grade levels, including general education, special education, bilingual education and gifted education classroom settings;
- (2) observation of the hiring and supervision of teachers, other licensed staff, and non-licensed staff, which includes the development of a professional development plan for teachers; and

- (3) participation in leadership opportunities.
- (b) Each program shall assign a faculty member to serve as faculty supervisor for the internship portion of the program. All programs shall ensure that each candidate completes the internship.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; Eff. October 1, 2020.

16 NCAC 06C .0389 SCHOOL ADMINISTRATOR PREPARATION PROGRAM INTERNSHIP SITE REQUIREMENTS

To serve as an internship site for a School Administrator Preparation Program, a public or nonpublic school shall fulfill the following requirements:

- (1) the principal of the school shall hold a valid and current North Carolina principal license or, if the internship site is located in another state, the principal shall hold a valid and current administrator license in that state; and
- (2) the principal shall have two years of experience supervising all certified/licensed and classified staff within a school building. Local Education Agencies (LEAs) and other public-school governing bodies shall ensure that the cooperating principal meets the experience requirement prior to placement of the intern.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; Eff. October 1, 2020.

16 NCAC 06C .0390 SCHOOL ADMINISTRATOR PREPARATION PROGRAM REQUIREMENTS

In order for a School Administrator Preparation Program to recommend candidates for licensure, the program must meet the following requirements:

- (1) The program shall be jointly established by one or more institutions of higher education, not-for-profit entities, or for-profit entities, and a local education agency or nonpublic school.
- (2) The responsibilities and roles of each partner in the design, implementation and administration of the program shall be set forth in a memorandum of understanding (MOU) signed by each partner.
- (3) The MOU must address at least the following:
 - (a) the process and responsibilities of each partner for the selection and assessment of candidates;
 - (b) the establishment of the internship and any field experiences, and the specific roles of each partner in providing those experiences, as applicable;
 - (c) the development and implementation of a training program for mentors and faculty supervisors that supports candidates' progress during their internships in observing, participating, and demonstrating leadership;
 - (d) names and locations of non-partnering school districts and nonpublic schools where the internship and any field experiences may occur; and
 - (e) the process to evaluate the program, including the partnership, and the role of each partner in making improvements based on the results of the evaluation.
- (4) The partners must review the MOU every three years.
- (5) Each School Administrator Preparation Program shall comply with the requirements of Rules .0386, .0387, .0388, and .0389 of this Section.
- (6) Each School Administrator Preparation Program shall:
 - (a) provide multiple opportunities for school leader candidates to be observed and coached by program faculty and staff;
 - (b) facilitate the evaluation of school leader candidates during and at the end of the internship based on the North Carolina School Executive Evaluation Rubric;
 - (c) provide expectations for and firm commitment from school leaders and faculty members who will oversee the internship of candidates; and
 - (d) provide faculty supervisors to work in collaboration with site mentors to complete the assessment of the candidate's performance during the internship.
- (7) A portion of the required coursework shall include "field experiences", i.e., multiple experiences that are embedded in a school setting and relate directly to the core subject matter of the course.

The preparation program shall determine the courses for which completion of field experiences will be required and the time allotted to field experiences across all courses in the curriculum.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-284; Eff. October 1, 2020.

16 NCAC 06C .0391 TESTING EXEMPTIONS FOR ADMISSION INTO AN EDUCATOR PREPARATION PROGRAM

(a) A student seeking admission to an Educator Preparation Program (EPP) shall be exempt from taking and passing the preprofessional skills test described in Rule .0392 of this Section if he or she meets one of the following conditions:

- (1) If a student takes the SAT prior to March 2016, the scores must meet the following:
 - (A) Individuals with a total SAT score of 1100 are exempt from Praxis Core testing requirements;
 - (B) Individuals with a total SAT score of less than 1100 but a score of at least 550 on the Verbal test are exempt from the Preprofessional Skills Tests in Reading and Writing; and
 - (C) Individuals with a total SAT score of less than 1100 but a score of at least 550 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.
- (2) If a student takes the SAT after March 2016, the scores must meet the following:
 - (A) Individuals with a total SAT score of 1170 are exempt from Praxis Core testing requirements;
 - (B) Individuals with a total SAT score of less than 1170, but a score of at least 600 on the evidence-based reading and writing test are exempt from the Preprofessional Skills Tests in Reading and Writing; and
 - (C) Individuals with a total SAT score of less than 1170 but a score of at least 570 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.
- (3) If a student takes the ACT, the scores must meet the following:
 - (A) Individuals with a composite ACT score of 24 or higher are exempt from Praxis Core testing requirements;
 - (B) Individuals with a composite ACT score of less than 24, but with a score of at least 24 on the English test are exempt from the Preprofessional Skills Tests in Reading and Writing; and
 - (C) Individuals with a composite ACT score of less than 24, but a score of at least 24 on the Math test are exempt from the Preprofessional Skills Test in Mathematics.

(b) In the event that either the College Board or ACT changes the scaling of their respective assessments, the SBE shall use concordance information from the testing vendor to establish new cut scores for exemption from the Praxis assessments.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.15; Eff. October 1, 2020.

16 NCAC 06C .0392 TESTING REQUIREMENTS FOR ADMISSION TO AN EDUCATOR PREPARATION PROGRAM

(a) For purposes of G.S. 115C-269.15, the pre-professional skills test shall be the Praxis Core Academic Skills Educators Assessment.

(b) Each student seeking admission to an Educator Preparation Program shall pass the Praxis Core Academic Skills Educators Assessment unless an exemption is permitted under G.S. 115C-269.15 or Rule .0391 of this Section.

(c) Passing scores for the Praxis assessment are enacted by the State Board of Education using validity and reliability studies provided by the vendor and the recommendations of both the vendor and Department of Public Instruction staff.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.15; Eff. October 1, 2020.

16 NCAC 06C .0393 MATHEMATICS INSTRUCTIONAL REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS TRAINING ELEMENTARY AND EXCEPTIONAL CHILDREN GENERAL CURRICULUM TEACHERS

In addition to the minimum requirements set forth in G.S. 115C-269.20(1) and (2), all Educator Preparation Programs that provide training for elementary and exceptional children general curriculum teachers shall include coursework in the following areas:

- (1) Instruction in the teaching of mathematics with attention to the following:
 - (a) content, which includes number and operations, early algebra, measurement; and
 - (b) pedagogical issues, which includes high quality tasks, classroom discourse, instructional moves.
- (2) Instruction in evidence-based learning trajectories, how to identify what students are able to do, and what is needed to address their needs including:
 - (a) how to identify which mathematical concepts or skills students have and have not demonstrated, and
 - (b) how to plan for instruction based on student strengths and needs as determined by the evidence.
- (3) Instruction in understanding the strengths and weaknesses of instructional supports and how to adapt and utilize mathematical resources to advance instruction; and
- (4) Instruction in designing learning experiences to align with specific learning goals.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.20; Eff. October 1, 2020.

16 NCAC 06C .0394 STANDARDS OF PRACTICE FOR INNOVATIVE OR EXPERIMENTAL PROGRAMS FOR SCHOOL ADMINISTRATOR PREPARATION

Innovative or experimental school administration preparation programs that received grants under G.S. 116-74.46 shall be reviewed by the PEPSC annually, which shall use the following standards:

- (1) the program is organized and administered, showing a structure for the oversight and management of the program which ensures flexibility and accountability;
- (2) the program provides documentation of human, fiscal, and physical resources;
- (3) the program addresses the needs of the students;
- (4) the program includes exit levels of competency, a procedure for recommending licensure, and a follow up process; and
- (5) the program has defined and measurable expected outcomes and results as measured by the annual Educator Preparation Program Report Card pursuant to G.S. 115-269.50.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.35; 115C-269.50; 115C-284; 115C-284.1; Eff. October 1, 2020.

16 NCAC 06C .0395 PROCESS FOR FILING A COMPLAINT AGAINST AN EDUCATOR PREPARATION PROGRAM (EPP)

(a) Complaints against an EPP must be made in writing to the State Board of Education. The written complaint may be filed by an individual or entity through the following means:

- (1) filling out and submitting the complaint form online;
- (2) mailing a hard copy of the complaint to the physical address on the form; or
- (3) faxing a hard copy of the complaint to the fax number on the form.

(b) The complaint form, at a minimum, shall include:

- (1) a description of the process and contact information for assistance;
- (2) a section to collect the complainant's contact information and EPP they attend;
- (2) a section to collect a description of the alleged violation;
- (3) a section to collect the dates of the incident(s);
- (4) a means to collect supporting documentation/evidence to support the described facts where available; and
- (5) a section to collect what efforts were made to date to resolve the complaint.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.55;
Eff. October 1, 2020.

16 NCAC 06C .0396 RESTRICTIONS ON THE AUTHORITY OF THE STATE BOARD OF EDUCATION ON COMPLAINTS AGAINST AN EDUCATOR PREPARATION PROGRAM (EPP)

The SBE shall not mediate, arbitrate, or otherwise resolve any issue between an EPP and a student regarding contractual or commercial issues such as the following:

- (1) contractual arrangements with an EPP, such as program removal due to not meeting a program requirement or being noncompliant with the EPP on the university level;
- (2) commercial issues including any type of business transaction with the EPP or university, such as financial enrollment, bankruptcy, closing of institution, and program fidelity;
- (3) grade issues such as requesting a change in grade for a course or gaining credit for a course or requirement in the program; and
- (4) seeking readmittance to an EPP.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.55;
Eff. October 1, 2020.

16 NCAC 06C .0397 EDUCATOR PREPARATION PROGRAM COURSEWORK REQUIREMENTS FOR ALL PROGRAMS

In addition to the minimum requirements set forth in G.S. 115C-269.20(a)(1), all Educator Preparation Programs shall include instruction in the following areas:

- (1) The identification of academically or intellectually gifted children;
- (2) Evidence based practices as defined by the Every Student Succeeds Act (P.L. No 114-95, 129, Stat. 1801, S. 1177-2 Part F- General Provisions, Title II, Sec. 2002);
- (3) The teaching of diverse populations of students; and
- (4) Classroom management.

History Note: Authority G.S. 115C-12; 115C-268.1; 115C-268.5; 115C-269.5; 115C-269.10; 115C-269.20;
Eff. October 1, 2020.

SECTION .0400 – SALARIES AND BENEFITS

16 NCAC 06C .0401 VACATION LEAVE

- (a) All full-time or part-time permanent public school employees who are working or on paid leave for at least one-half of the calendar days in a month shall earn vacation leave, based on length of state service in North Carolina.
- (b) A part-time permanent employee in a budgeted position shall earn vacation leave on a pro rata basis.
- (c) Local boards of education may choose to record leave earned in hours. If leave is recorded in hours, the leave earned as indicated in this Paragraph shall be multiplied times the regular number of hours worked per day. Employees shall earn vacation leave as follows:

Yrs. of State Service	Days Per Month of Employment
Less than 2 yrs.	1.00
2 but less than 5 yrs.	1.15
5 but less than 10 yrs.	1.40
10 but less than 15 yrs.	1.65
15 but less than 20 yrs.	1.90
20 yrs. or more	2.15

- (d) LEAs shall credit state service for full-time or part-time permanent employment figured on the same basis as for longevity pay. The LEA must establish the anniversary date for each employee on the basis of the employee's state service.
- (e) The LEA may advance vacation leave to an employee.
- (f) The LEA shall transfer unused vacation leave when an employee transfers between LEAs. An employee may have leave transferred to or from a state agency or institution, community college or technical institute, a position subject to the State Personnel Act in a local mental health center, public health, social services or emergency

management agency, if the receiving agency is willing to accept the leave; otherwise, the employee shall be paid in a lump sum for accumulated leave not to exceed 30 workdays or 240 hours, according to the earning rate.

(g) Leave payment at separation shall be subject to the following:

- (1) An employee who is overdrawn on leave when he or she separates will have the excess leave corrected through a deduction from the final salary check.
- (2) Payment for leave may be made on the regular payroll or on a supplemental payroll. The LEA shall make payment from the same source of funds and in the same proportion as the employee's salary is paid.
- (3) Terminal leave payment shall be subject to the same deductions as salary, including retirement.
- (4) The receipt of lump sum payment and retirement benefit shall not be deemed dual compensation.
- (5) The LEA shall make payment for unpaid salary, terminal leave and travel of a deceased employee to the personal representative of the deceased employee, or if there is no personal representative, to the Clerk of Superior Court of the county in which the employee resided.

(h) Each LEA shall maintain leave records for all employees. LEAs must inform employees of their leave balances at least once a year. LEAs must retain leave records for separated employees for at least five years from the date of separation.

(i) Leave must be taken in one-half days, whole days, or hours as determined for earning purposes by the local board.

(j) School bus drivers and instructional personnel who require a substitute may take vacation leave only on days when students are not in attendance. Instructional personnel who do not require a substitute may take vacation leave on any day school is in session. LEAs may designate specific scheduled workdays for required attendance. Employees may charge leave taken only to scheduled teacher workdays and the ten vacation leave days scheduled in the school calendar.

(k) Other employees may take vacation leave instead of sick leave. These employees must have an opportunity to take annual leave earned in the school year.

*History Note: Authority G.S. 115C-272; 115C-285; 115C-302.1; 115C-316;
Eff. July 1, 1986;
Amended Eff. July 1, 1994; October 1, 1993; December 1, 1991; March 1, 1990;
Temporary Amendment Eff. November 15, 1995;
Amended Eff. July 1, 2001.*

16 NCAC 06C .0402 SICK LEAVE

(a) Public school employees who earn vacation leave shall also earn sick leave. Full-time employees shall earn one day per month or the number of hours worked daily by a full time employee in that class of work. Part-time employees shall earn and may use sick leave in proportion to the part of the day for which they are employed.

(b) The LEA may allow sick leave to be used for temporary disability which prevents an employee from performing his or her usual duties, illness in the employee's immediate family and attendant medical appointments which require the employee's attendance, death in the immediate family and medical appointments for the employee. For purposes of this Rule the term immediate family shall include spouse, children, parents, brothers, sisters, grandparents, grandchildren, and dependents living in the household. The term shall also include the step, half, and in-law relationships. An employee of any public school system may contribute vacation or sick leave to another immediate family member who is employed by any State agency or public school system.

(c) Employees must take leave in one-half days, whole days, or hours as determined for earning purposes by the local board.

(d) Employees may accumulate sick leave indefinitely and may transfer sick leave as in the case of vacation leave.

(e) LEAs may advance sick leave not to exceed the amount which would be earned within the school year.

(f) An employee who is overdrawn on sick leave when the employee separates from service will have the excess leave corrected through a deduction from the final salary check.

(g) If the period of sick leave taken is less than 30 days, the employee will return to his or her position with the LEA. If the period of temporary disability exceeds 30 days, the superintendent shall determine when the employee is to be reinstated. The superintendent makes this decision based on the welfare of the students and the need for continuity of instruction.

(h) The LEA shall credit an employee who separates from service and returns within 60 months with all sick leave accumulated to the time of separation.

(i) Permanent full or part-time instructional personnel, excluding teacher assistants, who are absent due to their personal illness or injury in excess of their accumulated sick leave, shall be allowed extended sick leave of up to 20 work days throughout the regular term of employment. These days do not have to be consecutive. A new employee must have reported to work to be eligible for extended sick leave. The superintendent may require a doctor's certificate or other proof acceptable to the superintendent of the reason for the absence.

(j) An LEA may establish a voluntary sick leave bank for its employees. Any employee of an LEA that establishes a voluntary sick leave bank may, but is not required to, participate in the voluntary sick leave bank.

- (1) The LEA shall develop and implement a plan for participation that shall include those factors listed in G.S. 115C-336(b)(i)-(vii) and the following:
 - (A) a uniform number of days to be contributed to the bank by participants;
 - (B) provisions for legitimate usage of days by participants;
 - (C) means to protect against overdraft of total contributed days; and
 - (D) safeguards to prevent abuses by participants.
- (2) The LEA shall establish a sick leave bank committee to administer the sick leave bank.
 - (A) The LEA shall assure that all local personnel are equitably represented on the committee.
 - (B) The LEA shall develop operational rules for the efficient and effective functioning of the bank.
 - (C) The LEA shall develop procedures for participants' usage of days based upon requirements in the plan.
 - (D) The LEA shall specify the limits of the committee's authority.
 - (E) The committee shall notify all participating employees of the ways in which their participation will affect their state retirement account.
- (3) The LEA shall ensure that its operational procedures require:
 - (A) that payment of substitutes and matching social security are charged to the appropriate program report code; and
 - (B) the reporting to the division of school business services of the Department of the number of employees participating itemized by job classification, the number of sick leave days withdrawn, the cost of the leave, and other data required for fiscal and programmatic accountability.

*History Note: Authority G.S. 115C-12(8); 115C-336;
Eff. July 1, 1986;
Amended Eff. June 1, 1994; October 1, 1993; July 1, 1992; March 1, 1990;
Temporary Amendment Eff. November 8, 1999;
Amended Eff. April 1, 2001.*

16 NCAC 06C .0403 SUBSTITUTES

(a) LEAs shall employ all substitutes deemed necessary for the efficient operation of the unit. The superintendent determines the need to employ a substitute for a non-teaching assistant principal, principal or supervisor.

(b) LEAs employ substitute teachers in units of half or whole days.

(c) The LEA pays substitutes as follows:

- (1) A person who substitutes for a non-teaching assistant principal, principal or supervisor is paid from local funds.
- (2) Unless required to be otherwise, a substitute for the regular teacher is paid from the same source of funds as the regular teacher is paid.

(d) Absences not covered in Rule .0404 require the appropriate amount of substitute teacher pay to be deducted from the regular teacher's salary. These absences include extended sick leave as explained in Paragraph (f) of this Rule, personal leave and in-state meetings of no longer than 3 days or out-of-state meetings of no longer than 5 days, and not to exceed a total of 10 days within the school year, for professional responsibilities and attendance at professional meetings. The superintendent must approve these absences. The time limitations of this Rule do not apply to a person who is the local or district president or president-elect or a state or national officer of an educational professional organization, or to a person selected as National Teacher of the Year from this state.

(e) Teachers earn personal leave at the rate of one-half day for every two and one-half months .20 days for full month of employment and may accumulate five personal leave days. Teachers may transfer these days between LEAs. A teacher who requests personal leave at least five days in advance of the date desired is not required to give a reason for the leave. No teacher may take personal leave on the first day teachers are required to report for the school year, required teacher workdays, the day before or the day after holidays or scheduled vacation days, except as approved by the principal. The LEA shall credit a teacher who has separated from service and is re-employed within 60 months from the date of separation with all personal leave, up to the five-day maximum, accumulated at the time of separation. The LEA may not advance personal leave beyond that which a teacher earns. Teachers may take personal leave in units of one-half or whole days.

(f) If the regular teacher vacates a teaching position during the school year, that teacher receives the regular compensation for the actual days employed during the current month, adjusted for overdrawn leave or unpaid longevity pay. If the LEA employs an interim teacher to fill the vacancy until a regular teacher is available, the LEA pays the interim teacher as follows:

- (1) For service of no more than 10 teaching days, the person is paid as a substitute.
- (2) For service in excess of 10 teaching days, the person is paid on the basis of the person's certified salary rating. The person may elect to be paid as a substitute.

*History Note: Authority G.S. 115C-12(8);
Eff. July 1, 1986;
Amended Eff. October 1, 1993; October 1, 1990; March 1, 1990; August 1, 1987.*

16 NCAC 06C .0404 LEAVE WITH PAY

The LEA shall not make deductions from public school employees' salaries in the following cases:

- (1) The employee is absent on sick leave in accordance with Rule .0402 of this Section.
- (2) The employee is absent due to community responsibility, as approved by the superintendent. Substitutes for these persons may not be paid from state funds.
- (3) The employee is attending meetings or performing duties as a member of the SBE, the State Textbook Commission, the Board of Governors of the Governor's Schools, a case manager hearing, or a commission or committee appointed by the Governor, the State Superintendent, the SBE or the General Assembly. Substitutes for these persons will be paid from state funds.
- (4) The employee is absent due to jury duty, attendance at court in connection with the employee's official duties, or attendance at court under subpoena or court order as a witness to a crime. The employee may not receive witness fees in addition to regular salary.
- (5) The employee has been assigned by the superintendent to attend an in-service school project conducted by the administrative unit. Substitutes for these persons will be paid from local funds.
- (6) The employee has been suspended with pay under G.S. 115C-325(f1). The LEA shall pay persons employed to replace the suspended employee a salary based on the replacement's certification. The LEA shall make payment from the same source of funds as the person suspended was paid.
- (7) The employee is absent pursuant to 1 NCAC 8C .2900 (military leave).
- (8) The employee is absent due to injury or disability which is covered by G.S. 115C-338.
- (9) The employee may be absent for no more than two days in a school year due to bona fide religious holidays which are not already scheduled as vacation days or holidays in the school calendar. The superintendent must approve these absences in advance and the employee must make up the time missed.
- (10) Upon recommendation of the superintendent, the local board of education may grant leave with pay for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee on leave.

*History Note: Authority G.S. 115C-12(8); 115C-408; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. July 1, 2001; March 1, 1990; August 1, 1987.*

16 NCAC 06C .0405 LEAVE WITHOUT PAY

Whenever possible, public school employees shall give advance notice of requests for leaves of absence, subject to rules of the LEA. LEAs may determine the beginning or ending date of leaves of absence, except for military leave. LEAs may provide educational leave, but they may not use state funds for this purpose. LEAs may allow leaves of absence for permanent employees as follows:

- (1) An employee is granted a leave of absence without pay under 1 NCAC 8C .2900 (military leave).
- (2) An employee is granted a leave of absence without pay up to one calendar year for the birth or adoption of a child. This period may, with the approval of the local board, be extended for the remainder of the school year when the leave would otherwise end in the latter half of the school year.
- (3) An employee may be granted a leave of absence without pay for periods as granted in the discretion of the superintendent and in accordance with rules adopted by the LEA.

History Note: Authority G.S. 115C-12(8); 115C-408; N.C. Constitution, Article IX, Sec. 5;
Eff. July 1, 1986;
Amended Eff. March 1, 1990.

16 NCAC 06C .0406 MILITARY DUTY WITHOUT LOSS OF PAY

Public school employees including charter school employees on leaves of absence for State or federal military duty under honorable service status, for required training, or for special emergency management service shall be paid the difference in military base pay and State salary, including non-performance based bonuses, when the military pay is less than the State salary. Differential pay for military duty after July 1, 2002 shall be paid from the same source of funds as the public school salary.

History Note: Authority G.S. 115C-302.1(g1);
Eff. December 1, 2004.

16 NCAC 06C .0407 FLEXIBLE FURLOUGH LEAVE

History Note: Authority N.C. Constitution, Article X, Sec. 5; S.L. 2010-31, sec. 29.1(a) July 1, 2010; G.S. 150B-21.1A;
Emergency Adoption Eff. June 4, 2009 to expire on January 1, 2010 (Authority Executive Order Number Eleven, April 28, 2009; Session Law 2009-26, Sec. 6, May 18, 2009);
Emergency Adoption expired January 1, 2010;
Emergency Adoption Eff. August 17, 2010 to expire June 30, 2011 (see S.L. 2010-31).

16 NCAC 06C .0408 PARENTAL LEAVE

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

- (1) "Child" means a newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18 whose parent is an eligible employee.
- (2) "Continuous" leave means leave taken over a continuous period for the full amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule.
- (3) "Eligible employee" means a person employed to fill a permanent, probationary, or time-limited position in a public-school unit ("PSU") who meets the eligibility requirements set forth in Paragraph (b) of this Rule. "Eligible employee" shall not include temporary employees or independent contractors.
- (4) "Intermittent" leave means leave taken in separate periods for a single qualifying event that cumulatively equal the amount of leave to which an eligible employee is entitled under Paragraph (c) of this Rule. Intermittent leave may include periods of leave ranging from half of an employee's regularly scheduled workday to several consecutive workdays.
- (3) "Parent" means the legal guardian or custodian of a child through birth, adoption, foster care, or other legal placement.
- (4) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a), except that this Rule shall only apply to a charter school if the board of directors for the charter school has opted to provide for paid parental leave in accordance with G.S. 115C-218.90(a)(6). The board shall notify the Office of

Charter Schools at the Department of Public Instruction of its intent to offer paid parental leave no later than October 1 of the fiscal year for which it intends the leave to be available.

- (5) "Qualifying event" means when an eligible employee becomes a parent to a child.
- (b) To be eligible for paid parental leave, a PSU employee shall, at the time of the qualifying event, have been in pay status, as defined in 25 NCAC 01D .0105, with a PSU, state agency, or other public entity providing paid parental leave under G.S. 126-8.6 for at least 1,040 hours without a break in service within the previous 12-month period. The employee may aggregate periods of employment with different employers to satisfy this requirement, except that any period of employment by a charter school shall not satisfy this requirement unless the governing board of the charter school has elected to provide paid parental leave in accordance with G.S. 115C-218.90(a)(6). For purposes of this Rule, a break in service is defined in 25 NCAC 01D .0144, provided it shall not include:
- (1) Any period in the past 12 months during which the employee was receiving workers' compensation under G.S. 97-1 et seq. or on short-term disability under G.S. 135-105.
 - (2) Any period in which the employee was on leave without pay.
 - (3) Any period in which the employee was absent due to military service in the Armed Forces of the United States, in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301-4333.
 - (4) For a 10- or 11-month employee whose employment will continue for the following school year, the time between the conclusion of one employment period and the commencement of the following employment period.
 - (5) For an employee who transitions from one employer offering paid parental leave under G.S. 126-8.6 to another employer providing paid parental leave under G.S. 126-8.6, any time between the date of separation from the first employer and the date of hire for the second employer, not to exceed 31 days.
- (c) A full-time eligible employee who becomes a parent to a child shall be entitled to the following:
- (1) For a parent who gives birth to a child, up to eight weeks of paid parental leave consisting of:
 - (A) Four weeks for physical and mental recuperation; and
 - (B) Four weeks for bonding with the child.
 - (2) For any other qualifying event, up to four weeks of paid parental leave for bonding with the child.
- (d) A part-time eligible employee who becomes a parent to a child shall be entitled to a prorated share of paid parental leave based upon the hours in the employee's regular, weekly schedule compared to the hours worked by a full-time employee in a similar position within the PSU, provided that the prorated share of leave shall not exceed the total number of weeks provided to a full-time employee under Paragraph (c) of this Rule.
- (e) If an eligible employee gives birth to a child and places the child up for adoption or into foster care, or otherwise legally places the child with another person to serve as the child's parent, the employee shall be entitled to up to four weeks of leave for physical and mental recuperation from the time of the child's birth. Neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.
- (f) If a fetus dies prior to a completed birth, or if a child dies after a completed birth, the following rules shall apply:
- (1) If the fetus dies before the conclusion of the 12th week of pregnancy, there is no qualifying event creating an entitlement to paid parental leave under this Rule.
 - (2) If the fetus dies after the conclusion of the 12th week of pregnancy but prior to a completed birth, an otherwise eligible employee who carried the child shall be entitled to up to four weeks of leave for physical and mental recuperation. Neither a birthing parent nor a non-birthing parent shall be entitled to additional leave for bonding with the child.
 - (3) If a child dies after a completed birth, an otherwise eligible employee shall be entitled to the same amount of leave to which the employee would be entitled under Paragraphs (c) or (d) of this Rule.
- (g) The paid parental leave provided by this Rule shall result in compensation at 100 percent of the eligible employee's regular, straight-time pay.
- (h) The paid parental leave provided under this Rule is in addition to any other leave authorized by this Chapter, State or federal law, or policies established by the PSU, provided that the paid parental leave:
- (1) Shall not be counted against or deducted from an eligible employee's sick, vacation, bonus, or other accrued leave.
 - (2) Shall be reported by the PSU separately from all other paid leave.
 - (3) Shall not accrue and is not eligible for donation to another employee.
 - (4) Shall not be used for calculating the employee's retirement benefits.

- (5) Shall run concurrently with any leave to which the employee may be entitled under the Family and Medical Leave Act, 28 U.S.C. 2601–2654, provided the PSU has complied with the appropriate notice requirements in 29 C.F.R. 825.300.
- (i) An eligible employee who requests paid parental leave shall do so in accordance with policies adopted by the employee's PSU, subject to the following:
- (1) The paid parental leave may be used any time during the 12 months following a qualifying event on either a continuous or intermittent basis. A PSU shall not deny or delay an employee's request to use paid parental leave, or otherwise require the employee to use the leave on a prescribed schedule, without the employee's consent.
 - (2) The employee shall provide advanced notice to the PSU of the employee's intent to use paid parental leave in accordance with policies adopted by the PSU. When possible, the employee shall provide notice at least ten weeks in advance of a qualifying event, but under no circumstances shall a PSU require more than ten weeks' notice.
 - (3) The paid parental leave provided by this Rule may be used only once for a qualifying event within a 12-month period. Multiple births, adoptions, or other legal placements within the same 12-month period shall not entitle an otherwise eligible employee to more than one award of paid parental leave.
 - (4) If both parents of a child are employed by the same PSU, the PSU shall permit both parents to take paid parental leave simultaneously if they so request, subject to Subparagraphs (1) and (2) of this Paragraph.
 - (5) An employee shall forfeit any unused paid parental leave 12 months after the date of the qualifying event.
- (j) This paid parental leave provided by this Rule applies only to requests for paid parental leave related to qualifying events occurring on or after July 1, 2023. Nothing in this Rule shall prohibit an employer, if authorized, from providing paid parental leave in amounts greater than what is required by this Rule.

History Note: Authority G.S. 115C-12(5); 115C-12(8); 115C-12(16); 115C-272; 115C-285; 115C-302.1; 115C-315; 126-8.6;
Temporary Adoption Eff. October 27, 2023;
Eff. October 1, 2024.

SECTION .0500 – PERFORMANCE APPRAISAL SYSTEM

16 NCAC 06C .0501 GENERAL PROVISIONS

- (a) Each LEA shall provide for the evaluation of all professional employees pursuant to G.S. 115C-333. The LEA shall base this evaluation upon performance standards and criteria contained in this Rule unless the LEA shall adopt an alternative evaluation pursuant to G.S. 115C-333(a). LEAs may adopt additional standards and criteria that are not in conflict with those adopted by the SBE, the General Statutes, or with this Section.
- (b) The person to whom an employee reports as designated in the job description, or that person's designee as approved by the superintendent, shall evaluate the employee.
- (c) The LEA shall inform all personnel of their job descriptions and the performance standards and criteria applicable to their position at the time of employment or the beginning of the school year.
- (d) The process for evaluating professional public school employees shall be as follows:
- (1) All initially licensed and probationary status teachers shall have three observations conducted by a school administrator and one by a teacher and a summative appraisal conducted on an annual basis.
 - (2) All teachers who have less than four years of public school teaching experience shall be evaluated using the current teacher performance appraisal instrument unless the local board of education shall adopt an alternative evaluation instrument for these teachers that is validated, that reflects the performance standards and criteria contained in this Rule, and that addresses improving student achievement and employee skills and knowledge.
 - (3) Local school administrative units may conduct more than three observations for personnel identified by the local school administrative unit as requiring more frequent observations.
- (e) Each LEA shall provide orientation on the performance appraisal process to its personnel.
- (f) The performance appraisal shall address the following criteria:
- (1) a basis for self-improvement by professional personnel;

- (2) data for planning staff development activities for personnel at the school, administrative unit, regional and state levels; and
 - (3) data for employment decisions.
- (g) Each person may place written comments regarding the evaluation on their performance appraisal instruments.
- (h) Each LEA shall adopt a rating scale for the evaluation or use the following scale:
- (1) Unsatisfactory. Performance is consistently inadequate or unacceptable and most practices require considerable improvement to minimum performance expectations. Teacher requires close and frequent supervision in the performance of all responsibilities.
 - (2) Below Standard. Performance is sometimes inadequate or unacceptable and needs improvement. Teacher requires supervision and assistance to maintain an adequate scope of competencies, and sometimes fails to perform additional responsibilities as assigned.
 - (3) At Standard. Performance is consistently adequate or acceptable. Teaching practices fully meet all performance expectations at an acceptable level. Teacher maintains an adequate scope of competencies and performs additional responsibilities as assigned.
 - (4) Above Standard. Performance is consistently high. Teaching practices are demonstrated at a high level. Teacher seeks to expand scope of competencies and undertakes additional appropriate responsibilities.

*History Note: Authority G.S. 115C-333;
Eff. July 1, 1986;
Amended Eff. April 1, 2001; September 1, 1999.*

16 NCAC 06C .0502 HEARINGS UNDER G.S. 115C-325(J) AND (J3)

In hearings conducted by a case manager under G.S. 115C-325(j) and by a local board of education under G.S. 115C-325(j3), the superintendent shall:

- (1) provide the facility in which the hearing is to be conducted; and
- (2) employ a certified court reporter to record and if requested to transcribe the proceedings.

*History Note: Authority G.S. 115C-325(j)(2);
Eff. July 1, 1986;
Temporary Amendment Eff. October 10, 1997;
Amended Eff. March 15, 1999.*

16 NCAC 06C .0503 TEACHER EVALUATION PROCESS

(a) The intended purpose of the North Carolina Teacher Evaluation Process is to assess the teacher's performance in relation to the North Carolina Professional Teaching Standards and to design a plan for professional growth. The principal or a designee (hereinafter "principal") shall conduct the evaluation process in which the teacher shall participate through the use of self-assessment, reflection, presentation of artifacts, and classroom demonstration(s).

(b) A local board of education shall use the North Carolina Professional Teaching Standards and North Carolina Teacher Evaluation Process unless it develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those in the North Carolina Professional Teaching Standards and North Carolina Teacher Evaluation Process.

(c) The North Carolina Teacher Evaluation Process shall include the following components:

- (1) Training. Before participating in the evaluation process, all teachers, principals and peer evaluators must complete training on the evaluation process.
- (2) Orientation. Within two weeks of a teacher's first day of work in any school year, the principal shall provide the teacher with a copy of or directions for obtaining access to a copy of:
 - (A) The Rubric for Evaluating North Carolina Teachers (16 NCAC 06C .0504);
 - (B) This policy; and
 - (C) A schedule for completing all the components of the evaluation process. Copies may be provided by electronic means.
- (3) Teacher Self Assessment. Using the Rubric for Evaluating North Carolina Teachers, the teacher shall rate his or her own performance at the beginning of the year and reflect on his or her performance throughout the year.
- (4) Pre-Formal Observation Conference. Before the first formal observation, the principal shall meet with the teacher to discuss the teacher's self-assessment based on the Rubric for Evaluating North

Carolina Teachers, the teacher's most recent professional growth plan, and the lesson(s) to be observed. The teacher shall provide the principal with a written description of the lesson(s). The goal of this conference is to prepare the principal for the observation. Pre-Observation conferences are not required for subsequent observations.

- (5) Observations.
 - (A) A formal observation shall last at least 45 minutes.
 - (B) Probationary Teachers shall have at least three formal observations conducted by the principal and one formal observation conducted by a peer.
 - (C) Career Status Teachers shall be evaluated annually, unless the LEA establishes a different evaluation cycle for career teachers. During the year in which a career status teacher participates in a summative evaluation, the principal shall conduct at least three observations, including at least one formal observation. During observations, the principal and peer (in the case of a probationary teacher) shall note the teacher's performance in relationship to the applicable Standards on the Rubric for Evaluating North Carolina Teachers.
- (6) Post-Observation Conference. The principal shall conduct a post-observation conference no later than ten school days after each formal observation. During the post-observation conference, the principal and teacher shall discuss and document on the Rubric the strengths and weaknesses of the teacher's performance during the observed lesson.
- (7) Summary Evaluation Conference and Scoring the Teacher Summary Rating Form. Prior to the end of the school year and in accordance with LEA timelines, the principal shall conduct a summary evaluation conference with the teacher. During the summary evaluation conference, the principal and teacher shall discuss the teacher's self-assessment, the teacher's most recent Professional Growth Plan, the components of the North Carolina Teacher Evaluation Process completed during the year, classroom observations, artifacts submitted or collected during the evaluation process and other evidence of the teacher's performance on the Rubric. At the conclusion of the North Carolina Teacher Evaluation Process, the principal shall:
 - (A) Give a rating for each Element in the Rubric;
 - (B) Make a written comment on any Element marked "Not Demonstrated";
 - (C) Give an overall rating of each Standard in the Rubric;
 - (D) Provide the teacher with the opportunity to add comments to the Teacher Summary Rating Form;
 - (E) Review the completed Teacher Summary Rating Form with the teacher; and
 - (F) Secure the teacher's signature on the Record of Teacher Evaluation Activities and Teacher Summary Rating Form.
- (8) Professional Development Plans.
 - (A) Individual Growth Plans: Teachers who are rated at least "Proficient" on all the Standards on the Teacher Summary Rating Form shall develop an Individual Growth Plan designed to improve performance on specifically identified Standards and Elements.
 - (B) Monitored Growth Plans: A teacher shall be placed on a Monitored Growth Plan whenever he or she is rated "Developing" on one or more Standards on the Teacher Summary Rating Form and is not recommended for dismissal, demotion or nonrenewal. A Monitored Growth Plan shall, at a minimum, identify the Standards and Elements to be improved, the goals to be accomplished and the activities the teacher shall undertake to achieve Proficiency, and a timeline which allows the teacher one school year to achieve Proficiency. A Monitored Growth Plan that meets those criteria shall be deemed to satisfy the requirements of G.S. 115C-333(b).
 - (C) Directed Growth Plans: A teacher shall be placed on a Directed Growth Plan whenever he or she is rated "Not Demonstrated" on any Standard on the Teacher Summary Rating Form or "Developing" on one or more Standards on the Teacher Summary Rating Form for two sequential years and is not recommended for dismissal, demotion or nonrenewal. The Directed Growth Plan shall, at a minimum, identify the Standards and Elements to be improved, the goals to be accomplished, the activities the teacher shall complete to achieve Proficiency, a timeline for achieving Proficiency within one school year or such shorter time as determined by the LEA. A Directed Growth Plan that meets those criteria shall be deemed to satisfy the requirements of G.S. 115C-333(b).

- (9) Effective Dates and Effect on Licensing and Career Status. Effective with the 2008-2009 school year, LEAs may evaluate teachers using this policy. Effective with the 2010-2011 school year, all teachers in North Carolina shall be evaluated using this policy unless a local board develops an alternative evaluation that is properly validated and that includes standards and criteria similar to those in the North Carolina Professional Teaching Standards and North Carolina Teacher Evaluation Process in which case the local board shall use that instrument.
- (d) Beginning Teachers: Effective 2010-2011, beginning teachers must be rated "Proficient" on all five North Carolina Professional Teaching Standards on the most recent Teacher Summary Rating Form in order to be eligible for the Standard Professional 2 License.
- (e) Probationary Teachers: Effective 2010-2011, a principal must rate a probationary teacher as "Proficient" on all five North Carolina Professional Teaching Standards on the most recent Teacher Summary Rating Form before recommending that teacher for career status.

History Note: Authority G.S. 115C-333; N.C. Constitution, Article IX, Sec. 5; Eff. May 1, 2009.

16 NCAC 06C .0504 RUBRIC FOR EVALUATING TEACHERS

- (a) Teachers shall be evaluated on the following Standards and Elements:
- (1) Elements of Standard 1: Teachers demonstrate leadership.
 - (A) Teachers lead in their classrooms. Teachers demonstrate leadership by taking responsibility for the progress of all students to ensure that they graduate from high school, are globally competitive for work and postsecondary education, and are prepared for life in the 21st century. Teachers communicate this vision to their students. Using a variety of data sources, they organize, plan, and set goals that meet the needs of the individual student and the class. Teachers use various types of assessment data during the school year to evaluate student progress and to make adjustments to the teaching and learning process. They establish a safe, orderly environment, and create a culture that empowers students to collaborate and become lifelong learners.
 - (B) Teachers demonstrate leadership in the school. Teachers work collaboratively with school personnel to create a professional learning community. They analyze and use local, state, and national data to develop goals and strategies in the school improvement plan that enhances student learning and teacher working conditions. Teachers provide input in determining the school budget and in the selection of professional development that meets the needs of students and their own professional growth. They participate in the hiring process and collaborate with their colleagues to mentor and support teachers to improve the effectiveness of their departments or grade levels.
 - (C) Teachers lead the teaching profession. Teachers strive to improve the teaching profession. They contribute to the establishment of positive working relationships in the school. They actively participate in and advocate for the decision-making structures in education and government that take advantage of the expertise of teachers. Teachers promote professional growth for all educators and collaborate with colleagues to improve the profession.
 - (D) Teachers advocate for schools and students. Teachers advocate for positive change in policies and practices affecting student learning. Teachers participate in the implementation of initiatives to improve the education of students.
 - (E) Teachers demonstrate high ethical standards. Teachers demonstrate ethical principles including honesty, integrity, fair treatment, and respect for others. Teachers uphold the Code of Ethics for North Carolina Educators and the Standards for Professional Conduct.
 - (2) Elements of Standard 2: Teachers establish a respectful environment for a diverse population of students.
 - (A) Teachers provide an environment in which each child has a positive, nurturing relationship with caring adults. Teachers provide an environment for student learning that is inviting, respectful, supportive, inclusive, and flexible.
 - (B) Teachers embrace diversity in the school community and in the world. Teachers demonstrate their knowledge of the history of diverse cultures and their role in shaping global issues. Teachers actively select materials and develop lessons that counteract

stereotypes and incorporate histories and contributions of all cultures. Teachers recognize the influence of race, ethnicity, gender, religion, and other aspects of culture on a student's development and personality. Teachers strive to understand how a student's culture and background may influence his or her school performance. Teachers consider and incorporate different points of view in their instruction.

- (C) Teachers treat students as individuals. Teachers maintain high expectations, including graduation from high school, for students of all backgrounds. Teachers appreciate the differences and value the contribution of each student in the learning environment by building positive, appropriate relationships.
 - (D) Teachers adapt their teaching for the benefit of students with special needs. Teachers collaborate with the range of support specialists to help meet the special needs of all students. Through inclusion and other models of effective practice, teachers engage students to ensure that their needs are met.
 - (E) Teachers work collaboratively with the families and significant adults in the lives of their students. Teachers recognize that educating children is a shared responsibility involving the school, parents or guardians, and the community. Teachers improve communication and collaboration between the school, the home, and the community in order to promote trust and understanding and build partnerships with all segments of the school community. Teachers seek solutions to overcome cultural and economic obstacles that may stand in the way of effective family and community involvement in the education of their students.
- (3) Elements of Standard 3: Teachers know the content they teach.
- (A) Teachers align their instruction with the North Carolina Standard Course of Study. Teachers investigate the content standards developed by professional organizations in their specialty area. Teachers develop and apply strategies to make the curriculum rigorous and relevant for all students and provide a balanced curriculum that enhances literacy skills. Elementary teachers have explicit and thorough preparation in literacy instruction. Middle and high school teachers incorporate literacy instruction within the content area or discipline.
 - (B) Teachers know the content appropriate to their teaching specialty. Teachers bring a richness and depth of understanding to their classrooms by knowing their subjects beyond the content they are expected to teach and by directing students' natural curiosity into an interest in learning. Elementary teachers have broad knowledge across disciplines. Middle school and high school teachers have depth in one or more specific content areas or disciplines.
 - (C) Teachers recognize the interconnectedness of content areas/disciplines. Teachers know the links and vertical alignment of the grade or subject they teach and the North Carolina Standard Course of Study. Teachers understand how the content they teach relates to other disciplines in order to deepen understanding and connect learning for students. Teachers promote global awareness and its relevance to subjects they teach.
 - (D) Teachers make instruction relevant to students. Teachers incorporate 21st century life skills into their teaching deliberately, strategically, and broadly. These skills include leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility. Teachers help their students understand the relationship between the North Carolina Standard Course of Study and 21st century content, which includes global awareness; financial, economic, business and entrepreneurial literacy; civic literacy; and health awareness.
- (4) Elements of Standard 4: Teachers facilitate learning for their students.
- (A) Teachers know the ways in which learning takes place, and they know the appropriate levels of intellectual, physical, social, and emotional development of their students. Teachers know how students think and learn. Teachers understand the influences that affect individual student learning (i.e. development, culture and language proficiency) and differentiate their instruction accordingly. Teachers keep abreast of evolving research about student learning. They adapt resources to address the strengths and weaknesses of their students.

- (B) Teachers collaborate with their colleagues and use a variety of data sources for short and long range planning based on the North Carolina Standard Course of Study. These plans reflect an understanding of how students learn. Teachers engage students in the learning process. They understand that instructional plans must be consistently monitored and modified to enhance learning. Teachers make the curriculum responsive to cultural differences and individual learning needs.
 - (C) Teachers use a variety of instructional methods. Teachers choose the methods and techniques that are most effective in meeting the needs of their students as they strive to eliminate achievement gaps. Teachers employ a wide range of techniques including information and communication technology, learning styles, and differentiated instruction.
 - (D) Teachers integrate and utilize technology in their instruction. Teachers know when and how to use technology to maximize student learning. Teachers help students use technology to learn content, think critically, solve problems, discern reliability, use information, communicate, innovate, and collaborate.
 - (E) Teachers help students develop critical-thinking and problem-solving skills. Teachers encourage students to ask questions; think creatively; develop and test innovative ideas; synthesize knowledge and draw conclusions. They help students exercise and communicate sound reasoning; understand connections; make complex choices; and frame, analyze, and solve problems.
 - (F) Teachers help students work in teams and develop leadership qualities. Teachers teach the importance of cooperation and collaboration. They organize learning teams in order to help students define roles, strengthen social ties, improve communication and collaborative skills, interact with people from different cultures and backgrounds, and develop leadership qualities.
 - (G) Teachers communicate effectively. Teachers communicate in ways that are clearly understood by their students. They are perceptive listeners and are able to communicate with students in a variety of ways even when language is a barrier. Teachers help students articulate thoughts and ideas clearly and effectively.
 - (H) Teachers use a variety of methods to assess what each student has learned. Teachers use multiple indicators, including formative and summative assessments, to evaluate student progress and growth as they strive to eliminate achievement gaps. Teachers provide opportunities, methods, feedback, and tools for students to assess themselves and each other. Teachers use 21st century assessment systems to inform instruction and demonstrate evidence of students' 21st century knowledge, skills, performance, and dispositions.
- (5) Elements of Standard 5: Teachers reflect on their practice.
- (A) Teachers analyze student learning. Teachers think systematically and critically about student learning in their classrooms and schools as to why learning happens and what can be done to improve achievement. Teachers collect and analyze student performance data to improve school and classroom effectiveness. They adapt their practice based on research and data to best meet the needs of students.
 - (B) Teachers link professional growth to their professional goals. Teachers participate in continued, high quality professional development that reflects a global view of educational practices; includes 21st century skills and knowledge; aligns with the State Board of Education priorities; and meets the needs of students and their own professional growth.
 - (C) Teachers function effectively in a complex, dynamic environment. Understanding that change is constant, teachers actively investigate and consider new ideas that improve teaching and learning. They adapt their practice based on research and data to best meet the needs of their students.
- (b) For each Standard and Element, the teacher's performance shall be identified as:
- (1) Developing. Teacher demonstrated adequate growth toward achieving standard(s) during the period of performance, but did not demonstrate competence on standard(s) of performance.
 - (2) Proficient. Teacher demonstrated basic competence on standard(s) of performance.

- (3) Accomplished. Teacher exceeded basic competence on standard(s) of performance most of the time.
- (4) Distinguished. Teacher consistently and significantly exceeded basic competence on standard(s) of performance.
- (5) Not Demonstrated. Teacher did not demonstrate competence on or adequate growth toward achieving standard(s) of performance. (Note: If the "Not Demonstrated" rating is used, the principal must comment about why such rating was used.)

History Note: Authority G.S. 115C-333; N.C. Constitution, Article IX, Sec. 5; Eff. May 1, 2009.

SECTION .0600 – STANDARDS OF PROFESSIONAL CONDUCT FOR NORTH CAROLINA EDUCATORS

16 NCAC 06C .0601 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Child" means a person under the age of 16.
- (2) "License" means a professional educator license issued by the Department of Public Instruction ("DPI") in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.
- (3) "Local superintendent" means the superintendent of a local school administrative unit, as provided in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for a PSU, if there is no superintendent.
- (4) "Public school unit" or "PSU" is defined in G.S. 115C-5(7a).
- (5) "Professional educator" or "educator" is defined in G.S. 115C-270.1(2).
- (6) "Respondent" means a person who currently holds a license or who has applied for a license.
- (7) "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade 12 in any public school unit, or who has been enrolled in a public school unit within 6 months of an alleged violation of these Standards.

History Note: Authority G.S. 115C-12(9); 115C-270.1; 115C-270.5; 115C-307; Eff. April 1, 1998; Temporary Amendment Eff. April 5, 2024.

16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT

This Rule establishes uniform Standards of Professional Conduct ("Standards") for professional educators in North Carolina, which apply to all persons who hold a professional educator license issued pursuant to this Subchapter and Chapter 115C, Article 17E of the General Statutes. These Standards shall be the basis for reviewing the performance of professional educators by the State Board of Education ("SBE"). Violation of these Standards shall be grounds for disciplinary sanctions against a professional educator's license as provided in this Section.

- (1) Generally Recognized Professional Standards. The educator shall adhere to and practice the professional standards of all federal, state, and local governing bodies with public education oversight.
- (2) Conduct with Students. The educator shall treat all students with respect and maintain appropriate professional boundaries with all students, regardless of whether that student is directly under the care or supervision of the educator. Specifically, the educator shall not engage in any of the following conduct toward or in the presence of a student:
 - (a) Use of profane, vulgar, or demeaning language.
 - (b) Intentional or reckless exposure of students to profane, vulgar, or sexually explicit material except as part of age-appropriate classroom instruction or other pedagogical practice.
 - (c) Solicitation, encouragement, or consummation of a romantic, physical, or sexual relationship with a student in any form, whether written, verbal, or physical. As used in this context, "solicitation" or "encouragement" shall include engaging in a pattern of flirtatious behavior; efforts to gain access to, or time alone with, a student with no clear educational or school-related objective; provision of individualized or specialized

treatment, including tangible or monetary gifts, to a student that does not comply with generally recognized professional standards for educators; or any other behavior that could be perceived by a rational observer as excessively personal or intimate in the context of the educator-student relationship.

- (d) Solicitation, encouragement, or consummation of sexual contact with a student.
 - (e) Sexual harassment, as defined in 34 C.F.R. 106.30(a).
 - (f) Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.
- (3) Alcohol and Controlled Substances. The educator shall not be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance, as defined in G.S. 90-95, on school premises, at a school-sponsored activity, or when otherwise discharging the educator's professional duties, unless the educator has a prescription from a licensed medical professional authorizing such use. The educator shall not furnish alcoholic beverages or controlled substances to a student, except for the administration of medication prescribed by a licensed medical professional in accordance with the educator's professional duties.
- (4) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of the educator's professional duties, including the following:
- (a) statements or representations of professional qualifications;
 - (b) application or recommendation for professional employment, promotion, or licensure;
 - (c) applications or recommendations for college or university admission, scholarship, grant, academic award, or similar benefit;
 - (d) statements or representations of completion of college or staff development credit;
 - (e) evaluation or grading of students or school personnel;
 - (f) submission of financial or program compliance reports submitted to state, federal, or other governmental agencies;
 - (g) submission of information in the course of an official inquiry by the SBE or the educator's employing PSU into allegations of professional misconduct, provided that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
 - (h) submission of information in the course of an investigation into school related criminal activity by a law enforcement agency, child protective services, or any other agency with the authority to investigate, provided that an educator may decline to provide information to law enforcement if such evidence could incriminate the educator in violation of the educator's rights under the United States Constitution or North Carolina Constitution.
- (5) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the United States, or any other state or territory under the jurisdiction of the United States.
- (6) Proper Remunerative Conduct. The educator shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This Rule shall not restrict performance of any overtime or supplemental services at the request of the PSU, nor shall it restrict the acceptance of gifts from students, parents, or other persons in recognition or appreciation of the educator's professional service, provided the gift is given and received freely, openly, and without expectation of favor or advantage to the donor in return.
- (7) Confidential Information. The educator shall keep confidential all personally identifiable information regarding students or their family members that the educator has obtained in the course of professional service, unless disclosure is required or permitted by law or is necessary for the personal safety of the student or others.
- (8) Rights of Others. The educator shall not willfully or maliciously violate the constitutional or civil rights of a student, parent or legal guardian, or colleague.
- (9) Required Reports. The educator shall make all reports required by Chapter 115C of the General Statutes.

- (10) Public Funds and Property. The educator shall not misuse public funds or property or any funds belonging to an organization affiliated with the school or PSU. The educator shall account for funds collected from students, colleagues, parents, or legal guardians of students. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.
- (11) Scope of Professional Practice. The educator shall not perform any professional duty or function for which licensure is required by this Chapter or by Chapter 115C of the General Statutes during any period in which the educator's license is suspended or revoked.
- (12) Abuse of Authority. The educator shall not directly or indirectly use or threaten to use any official authority or influence in any manner that discourages, restrains, coerces, interferes with, or discriminates against any subordinate or any licensee who in good faith reports or otherwise brings to the attention of a PSU, the SBE, or any other public agency authorized to take remedial action, any facts or information relative to the actual or suspected violation of any law or rule regulating the duties of persons serving in the public school system, including those established by this Section.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-307;
Eff. May 1, 1998;
Temporary Amendment Eff. June 6, 2024.

16 NCAC 06C .0603 INVESTIGATION OF ALLEGED MISCONDUCT BY A LICENSED PROFESSIONAL EDUCATOR OR LICENSE APPLICANT

- (a) Upon receipt of allegations and substantiating information regarding a respondent that would provide cause for imposing disciplinary sanctions on a licensee or denying an application for a license under Rule .0604 of this Section, the Superintendent of Public Instruction ("Superintendent") shall investigate the allegations to determine if such action is warranted. The Superintendent shall investigate allegations or information from any source in a position to provide such information, including a PSU, State agency, court or other tribunal, or other credible person or institution. The Superintendent shall also consider information disclosed by a license applicant in the application.
- (b) The Superintendent is authorized to utilize the power conferred upon the State Board of Education ("SBE") under G.S. 115C-270.35(e), including the power to subpoena documents, secure witness testimony, or hire investigators, for the purpose of conducting investigations under this Rule.
- (c) If the Superintendent finds cause to impose disciplinary sanctions on a licensee or deny a license application for any of the reasons described in Rule .0604 of this Section, the Superintendent shall prepare a proposed order containing findings of fact, conclusions of law, and the proposed sanction(s) or denial.
- (d) The Superintendent shall provide the respondent with a copy of the proposed order and notify the respondent that the proposed sanctions or denial described in the order shall become final unless the respondent commences an administrative proceeding under Chapter 150B, Article 3 of the General Statutes within 60 days of the notice. The Superintendent shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE, and the 60-day time limitation shall commence on the date of electronic delivery or placement of the notice in an official depository of the United States Postal Service, whichever is earlier, in accordance with G.S. 150B-23(f).
- (e) If the respondent commences administrative proceedings, the SBE shall stay the proposed order until receipt of a final decision or order under G.S. 150B-34. If the respondent does not commence proceedings within the 60-day time limitation, the proposed order shall become final, and the Superintendent shall take all necessary actions to enforce the order.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;
Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0604 DENYING A LICENSE OR SANCTIONING A LICENSEE

- (a) The State Board of Education ("SBE") may, following an investigation in accordance with Rule .0603 of this Section, impose disciplinary sanctions on a person who holds a license issued by the Department of Public Instruction or deny an application for any such license if the SBE finds, by a preponderance of the evidence, that the respondent has done any of the following:
 - (1) Engaged in fraud, material misrepresentation, or concealment in an application for the license.
 - (2) Become ineligible for the license due to changes or corrections in the license documentation.
 - (3) Been convicted of a crime in any state, federal, or territorial court of the United States, including military tribunals.

- (4) Been dismissed by a local board of education, pursuant to G.S. 115C-325(e)(1) or 115C-325.4, or by the governing body of any other PSU.
 - (5) Resigned from employment with a PSU without thirty calendar days' notice, except with the prior consent of the superintendent.
 - (6) Had a professional educator license or other occupational license revoked or suspended in North Carolina or another state due to a finding of misconduct by the relevant occupational licensing board or agency.
 - (7) Failed to report suspected child abuse in accordance with G.S. 115C-400 or other suspicion of professional misconduct by a licensed employee in accordance with Rule .0608 of this Section.
 - (8) Violated the Testing Code of Ethics, codified at 16 NCAC 06D .0311.
 - (9) Engaged in any other illegal, unethical, or lascivious conduct, or otherwise violated the Standards of Professional Conduct as described in Rule .0602 of this Section.
- (b) When deciding whether to impose disciplinary sanctions or deny an application for a license, the SBE shall consider the following factors:
- (1) The existence of a reasonable and adverse relationship between the underlying misconduct and the ability of the respondent to perform the respondent's professional duties as an educator.
 - (2) The severity of the misconduct.
 - (3) The impact of the misconduct on students, other educators, and the school community.
 - (4) The respondent's degree of culpability in the misconduct.
 - (5) The degree of remorse exhibited by the respondent for the misconduct.
 - (6) Any evidence of reformed behavior on the part of the respondent.
 - (7) Subsequent incidents of misconduct by the respondent or the probability of future misconduct.
- (c) If the SBE determines that sanctions against a current licensee are warranted, it shall impose sanctions in accordance with Rule .0605 of this Section.

History Note: Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0605 DISCIPLINARY SANCTIONS

- (a) Upon finding of a basis for imposing disciplinary sanctions against a respondent under Rule .0604 following an investigation under Rule .0603 of this Section, the State Board of Education ("SBE") may impose any of the following sanctions:
- (1) Written Warning;
 - (2) Written Reprimand;
 - (3) Suspension for a Defined Term; or
 - (4) Revocation.
- (b) In addition to one of the sanctions listed in Paragraph (a), the SBE may impose additional conditions upon a respondent—including requirements that the respondent complete additional continuing education credits beyond those required by G.S. 115C-270.30, community service hours, or other activities—if the purpose of the condition is remedial, relevant to the misconduct giving rise to the sanction, and designed to reduce the possibility of recidivism.
- (c) Notwithstanding Rule .0603 of this Section or Paragraph (a) of this Rule, the SBE shall summarily suspend the license of a respondent if the SBE finds that the public health, safety, or welfare requires emergency action and incorporates those findings in the order prepared in accordance with Rule .0603 of this Section. A finding that a respondent has been charged in the General Court of Justice with any crime, the conviction for which would result in automatic revocation of the respondent's license under G.S. 115C-270.35(b), shall be considered prima facie evidence in satisfaction of this Paragraph. Following the summary suspension, the SBE shall promptly commence a disciplinary investigation and proceedings in accordance with Rules .0603 and .0604 of this Section.
- (d) The Department of Public Instruction ("DPI") shall, upon expiration of the 60-day time limitation described in Rule .0603(e) of this Section, publish the sanction and a brief description of the basis for the sanction on its website and report it to the National Association of State Directors of Teacher Education and Certification, except that this requirement shall not apply to a Written Warning. DPI shall not disclose any information related to the sanction that is considered confidential under Chapter 115C, Article 21A of the General Statutes or is otherwise protected from disclosure under State or federal law.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-3; 150B-22; 150B-23;

Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0606 VOLUNTARY SURRENDER OF A LICENSE

(a) An individual licensed under Chapter 115C, Article 17E of the General Statutes may notify the State Board of Education ("SBE"), or its authorized designee, in writing of the individual's intention to voluntarily surrender the individual's license to the SBE.

(b) The SBE or designee may accept the voluntary surrender of a license in lieu of pursuing revocation of the license if, following an investigation in accordance with Rule .0603 of this Section, the SBE or designee determines that the surrender of the license will not compromise public safety. The Superintendent of Public Instruction shall prepare a proposed order containing findings of fact and conclusions of law demonstrating that circumstances exist that would justify pursuing revocation of the respondent's license. The Superintendent shall provide the respondent with a copy of the proposed order and notify the respondent that the respondent's license will be revoked within 10 days of the notice. The Superintendent shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE.

(c) The Department of Public Instruction ("DPI") shall, upon expiration of the 10-day time limitation described in Paragraph (b), publish the revocation and a brief description of the basis for the revocation on its website and report it to the National Association of State Directors of Teacher Education and Certification. DPI shall not disclose any information related to the revocation that is considered confidential under Chapter 115C, Article 21A of the General Statutes or is otherwise protected from disclosure under State or federal law.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0607 REINSTATEMENT OF OR RECONSIDERATION FOR A LICENSE

(a) A respondent whose license has been revoked or whose application for a license has been denied under this Section may seek reinstatement of the revoked license or reconsideration of the license application no sooner than 12 months after the effective date of the revocation or denial.

(b) The respondent shall submit a request to the State Board of Education ("SBE") in writing that includes a statement describing why the circumstances that led to the revocation or denial do not or no longer justify prohibiting the respondent from holding a license.

(c) The SBE may deny the request, grant the request, or grant the request on a probationary basis. If the SBE grants the request on a probationary basis, the respondent's license status shall be subject to review by the SBE one year from the date that the license is granted, and the respondent shall comply with any conditions the SBE may impose.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23; Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0608 REPORTING REQUIREMENTS FOR PSU ADMINISTRATORS

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

(1) "Misconduct" means either:

(A) Conduct that justifies automatic revocation of a license under G.S. 115C-270.35(b);

(B) Conduct that has resulted in a criminal charge or indictment for any of the crimes listed in G.S. 115C-270.35(b); or

(C) Conduct involving the physical or sexual abuse of a child or a student. "Physical abuse" means the infliction of physical injury other than by accident or in self-defense. "Sexual abuse" means any sexual contact with a child or student, regardless of the presence or absence of consent.

(2) "PSU administrator" means a superintendent, associate superintendent, assistant superintendent, personnel administrator, principal, school director, or head of school employed by a PSU.

(b) In addition to any duty to report suspected child abuse under G.S. 115C-400 or other provision of law, any PSU administrator who knows, has reason to believe, or has actual notice of a complaint that a professional educator licensed under Chapter 115C, Article 17E of the General Statutes has engaged in misconduct, as defined in Subparagraph (a)(1) of this Rule, that results in the dismissal, suspension with pay, suspension without pay, or resignation of the educator shall report the misconduct in writing to the State Board of Education ("SBE") within five calendar days of the dismissal, suspension, or acceptance of the educator's resignation by the local

superintendent. If an educator resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the alleged misconduct is presumed to have resulted in the resignation.

(c) If a PSU demotes, dismisses, or accepts the resignation of a professional educator licensed under Chapter 115C, Article 17E of the General Statutes as a result of conduct that is not covered by Paragraph (b) of this Rule but that may otherwise justify disciplinary sanctions against the employee under Rule .0604 of this Section, a PSU administrator for that PSU shall report the conduct in writing to the SBE within 30 calendar days of the demotion, dismissal, or resignation of the employee.

(d) If one PSU administrator submits a single report on behalf of the PSU pursuant to the requirements of this Rule, that report shall satisfy the reporting obligations of all individuals who may have reporting obligations under this Rule or under G.S. 115C-326.20.

History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 115C-326.20; 150B-22; 150B-23;
Temporary Adoption Eff. April 5, 2024.

16 NCAC 06C .0701 MODEL EMPLOYMENT CONTRACT FOR TEACHERS

History Note: Authority Session Law 2013-360, Sec. 9.6(e); 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 Rule Eff. August 20, 2019;
Emergency Adoption Expired Eff. September 17, 2020.