



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

November 19, 2020

Thomas Ziko
Interim General Counsel, State Board of Education
Sent via email only: Thomas.Ziko@dpi.nc.gov

Re: Objection to Rules 16 NCAC 06D .0212, 06G .0314, and .0519; Determination of Substantial Change in 16 NCAC 06G .0508

Dear Mr. Ziko:

The State Board of Education submitted rewritten versions of rules in response to Rules Review Commission objections entered September 17, 2020. The Commission took the following actions on the rewritten rules at its meeting November 19, 2020.

At its meeting on September 17, 2020, the Commission objected to Rule 16 NCAC 06D .0212 for failure to comply with the APA, ambiguity, and lack of necessity. At its meeting this morning, the Commission continued its objection solely on the grounds of failure to comply with the APA and ambiguity in accordance with G.S. 150B-21.9 and 150B-21.12(c).

At its meeting on September 17, 2020, the Commission objected to Rule 16 NCAC 06G .0314 for lack of statutory authority and clarity. This morning, the Commission continued its objection solely on the grounds of statutory authority in accordance with G.S. 150B-21.9 and 150B-21.12(c).

The Commission determined the rewritten version of 16 NCAC 06G .0519 satisfied the Commission's objection entered September 17, 2020. However, the Commission objected to 16 NCAC 06G .0519 for lack of statutory authority for adding a cross-reference to the accountability models underlying the continuing objection for lack of statutory authority in 16 NCAC 06G .0519.

Please note the Rules Review Commission approved rewritten versions of Rules 16 NCAC 06B .0112; 06D .0310; 06E .0107; 06G .0315, .0505, .0506, .0507, .0509, .0514, .0518, .0520, .0521, and .0522. The rewritten version of Rule 16 NCAC 06G .0508 was approved, but the Commission

Julian Mann, III, Director
Chief Administrative Law Judge

Fred G. Morrison, Jr.
Senior Administrative Law Judge

Linda T. Worth
Deputy Director

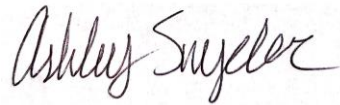
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determined the changes were substantial in accordance with G.S. 150B-21.12, requiring the rule to be re-published and reviewed in accordance with the procedure in G.S. 150B-21.1(a3) and (b).

Please respond to the Commission's objections in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Ashley Snyder". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail.

Ashley Snyder
Commission Counsel