

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

Notice is hereby given in accordance with G.S. 150B-21.1 that the State Board of Education intends to adopt the rules cited as 16 NCAC 06C .0314 and .0315.

Codifier of Rules approved this rule as an emergency rule effective July 23, 2019 and received for publication the following notice and proposed temporary rules on July 15, 2019.

Public Hearing:

Date: July 31, 2019

Time: 9:00 a.m.

Location: 301 N. Wilmington Street, Raleigh, NC 27601 (Education Building), 7th Floor, Board Lounge Room

Reason for Proposed Temporary Action: Session Law 2019-71, "An Act to Modify Teacher Licensure Requirements," requires the North Carolina Board of Education to adopt emergency rules for the implementation of the Law within 10 days of its effective date. Session Law 2019-71 became effective on July 1, 2019. Among other things, the law changes the existing approach for educators to obtain certain professional educator licenses and creates certain obligations for the State Board of Education and the North Carolina Department of Education in the licensure process. In order to protect the rights of teachers under the new law and further define responsibilities of the State Board and Department in time for the 2019-2020 school year, it is necessary for the State Board to enact rules that clarify licensure procedures. As such, the State Board has promulgated emergency and temporary rules to help implement the new law.

Comment Procedures: Comments from the public shall be directed to: Lou Martin, State Board of Education, 6302 Mail Service Center, Raleigh, NC 27699-6302; phone (919) 807-3402; email lou.martin@dpi.nc.gov. The comment period begins July 17, 2019 and ends August 9, 2019.

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06C - PERSONNEL

SECTION .0300 - CERTIFICATION

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

(a) When the holder of an initial professional license is not in compliance with the requirements of G.S. 115C-270.15, the Department of Public Instruction satisfies its statutory duty to notify the teacher of such deficiencies by transmitting at least one communication to the teacher through either:

- (1) electronic mail to the applicant's last known email address as reported to the Department's Licensure Office; or
- (2) regular mail to the applicant's last known physical address as reported to the Department's Licensure Office.

The Department shall provide notification of noncompliance with first-year licensure examination requirements by July 31 each year. A teacher's failure to receive actual notice of noncompliance shall not constitute grounds for an extension of time to complete licensure examination requirements.

(b) Teachers seeking to convert an initial professional license to a continuing professional license shall submit to the Department all documentation required to show compliance with the examination requirements.

Authority G.S. 115C-270.15(d); 115C-270.15(e); N.C. Constitution, Article IX, s. 5.

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

A teacher who possesses three or more years of teaching experience and currently holds an initial professional license or its equivalent in a state other than North Carolina shall be eligible for a continuing license, provided that he or she submits to the Department of Public Instruction evidence of his or her effectiveness, which shall include at least 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 educator is teaching or has taught;
- (3) documentation of effective instructional practice in the form of a written classroom observation evaluation; and
- (4) the following:
 - (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; or

- (b) an official letter from the State Education Agency (SEA) affirming that the teacher was deemed effective according to that state's educator effectiveness model.

Authority G.S. 115C-270.25; N.C. Constitution, Article IX, s. 5.