

NORTH CAROLINA REGISTER

VOLUME 41 • ISSUE 03 • Pages 245 – 332

August 3, 2026

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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984-236-0694

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300 N. Salisbury Street, Suites 619 and 400

Raleigh, NC 27603-5925

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NC Association of County Commissioners

919-715-2893

215 North Dawson Street

Raleigh, North Carolina 27603

contact: Amy Bason

amy.bason@ncacc.org

NC League of Municipalities

919-715-2925

424 Fayetteville Street, Suite 1900

Raleigh, North Carolina 27601

contact: Baxter Wells

bwells@nclm.org

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545 Legislative Office Building

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919-733-2578

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NORTH CAROLINA REGISTER
Publication Schedule for January 2026 – December 2026

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027*	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

*Dates not approved by RRC

This document is prepared by the Office of Administrative Hearings as a public service and is not to be deemed binding or controlling.

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; and
- (7) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Human Resources Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days but not later than 60 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.



State of North Carolina

JOSH STEIN
GOVERNOR

June 30, 2026

EXECUTIVE ORDER NO. 39

**ESTABLISHING THE NORTH CAROLINA HEALTH CARE AFFORDABILITY
COMMISSION**

WHEREAS, access to affordable health care is critical to promoting health and well-being, preventing disease, advancing economic opportunity, and increasing the quality of life for all North Carolinians; and

WHEREAS, medical inflation and rising health care prices contribute to premiums and out-of-pocket costs that many North Carolinians cannot afford; and

WHEREAS, these rising costs disproportionately impact rural communities; and

WHEREAS, health care spending accounts for almost one fifth of all spending in the nation's Gross Domestic Product; and

WHEREAS, among the 12 countries that spend the most on health care, the United States spends the most on health care but has the highest rate of treatable deaths; and

WHEREAS, health care spending nationwide grew by more than seven percent each year from 2023 through 2025; and

WHEREAS, from 2000 to 2020, average per-person health care spending in the United States rose from \$4,101 per year to \$10,191 and from \$3,950 per year to \$8,917 in North Carolina and in 2025 average per-person spending in the United States reached nearly \$16,500; and

WHEREAS, Americans pay more than \$1,500 in annual out-of-pocket health care costs on average, in addition to health insurance premiums; and

WHEREAS, more than a quarter of Americans report postponing medical treatment due to the cost of care; and

WHEREAS, highly concentrated health care markets in metropolitan areas, rural hospital closures and conversions, and health care provider shortages have reduced access to affordable health care in North Carolina; and

WHEREAS, despite spending more on health care, the United States has fewer physicians and hospital beds than peer countries; and

WHEREAS, the expiration of enhanced Affordable Care Act premium tax credits increased premiums for hundreds of thousands of North Carolinians by more than \$500 a month and forced nearly 214,000 North Carolinians to disenroll from or not renew their health insurance, the largest percentage enrollment drop in the nation; and

WHEREAS, many of the 214,000 North Carolinians who lost Affordable Care Act coverage are now uninsured; and

WHEREAS, North Carolina's health care ecosystem is estimated to lose tens of billions of dollars over the next decade because of federal policy changes; and

WHEREAS, rising health care costs also strain the State's finances, increasing costs for NC Medicaid and the NC State Health Plan for Teachers and State Employees; and

WHEREAS, the State has worked with hospitals across North Carolina to relieve more than \$6.5 billion in medical debt for more than 2.5 million North Carolinians and reducing health care costs is necessary to ensure North Carolinians do not incur more medical debt; and

WHEREAS, state leaders must address rising health care costs to responsibly steward the State Budget and ensure North Carolinians can afford critical health care; and

WHEREAS, the State has several tools for identifying drivers of rising health care costs, including analyzing data about prescription drug prices collected through reports required by the SCRIPT Act, N.C. Sess. L. 2025-69, which the Governor signed into law last year, and by analyzing combined claims data from NC Medicaid and the State Health Plan; and

WHEREAS, representatives of health systems, employers, and insurers, consumer and patient advocates, bipartisan legislative leaders, and agency and department officials can offer invaluable insights into bold initiatives that can position North Carolina as a leader in tackling the health care affordability challenge moving forward; and

WHEREAS, pursuant to Article III of the North Carolina Constitution and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and the duty to supervise the official conduct of all executive and ministerial officers.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. Establishment.

The North Carolina Health Care Affordability Commission ("Commission") is hereby established.

Section 2. Membership.

The Commission shall be composed of seven (7) voting members and no more than twenty-five (25) non-voting members. All members shall be appointed by the Governor and shall serve at his pleasure. Members should represent the geographic, professional, and demographic diversity of North Carolina. Commission members shall serve a term of one (1) year and may be reappointed to successive terms.

The voting members shall be as follows:

- a. The Secretary of the North Carolina Department of Health and Human Services, who shall serve as co-chair of the Commission;
- b. The State Treasurer, who shall serve as co-chair of the Commission;
- c. The Director of the Office of State Budget and Management;
- d. Two members of the North Carolina Senate; and
- e. Two members of the North Carolina House of Representatives.

The non-voting members shall be North Carolina residents who are knowledgeable about the health care industry and drivers of health care costs in the State.

Section 3. Duties.

The Commission shall have the following responsibilities:

- a. The Commission shall identify, research, and advise on the most impactful initiatives that will advance health care affordability in North Carolina, including, but not limited to:
 1. Improving transparency, data collection, and recordkeeping to better serve consumers and inform policymakers;
 2. Promoting competition in the market for health care services, including increasing system capacity;
 3. Addressing health care workforce shortages by increasing supply of providers, especially primary care providers;
 4. Expanding access to and utilization of primary care across the state;
 5. Exploring value-based care models; and
 6. Examining unique solutions to improve affordability in rural areas.
- b. The Commission shall consider existing statewide initiatives, such as the Rural Health Transformation Program, and identify opportunities to build upon or achieve greater impact through these efforts.
- c. The Commission shall report and deliver its recommendations of initiatives to pursue to the Governor. The Commission's first report shall be delivered no later than January 21, 2027.
- d. The Commission shall perform other duties assigned by the Governor.

Section 4. Meetings.

The Commission shall meet as a body of the whole at least three times and at other times at the call of the Co-Chairs or the Governor. The Commission may conduct meetings using electronic conferencing or other electronic means. The Commission's meetings shall be governed by the North Carolina Open Meetings Act, N.C. Gen. Stat. § 143-318.9, *et seq.*

A simple majority of the Commission's voting members shall constitute a quorum for the purpose of transacting the business of the Commission.

Section 5. Administration.

The Governor's Office, the North Carolina Department of State Treasurer, and the North Carolina Department of Health and Human Services shall serve as staff and administrative support services for the Commission.

Members shall serve without compensation but may receive necessary travel and subsistence expenses in accordance with State law and policies and regulations of the Office of State Budget and Management.

Section 6. Effect.

This Executive Order is effective immediately.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 30th day of June in the year of our Lord two thousand and twenty-six.


 Josh Stein
 Governor

ATTEST:


 Elaine F. Marshall
 Secretary of State



North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: McLaren Automotive, Inc.

Applicant's Address:

1405 SOUTH BELT LINE ROAD, SUITE 100 COPPEL, TX 75019

Application Date: 7/13/2026

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Executive Director, Nicolas Brown

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: Aries EV Corporation

Applicant's Address: 1540 N Frontage Rd, Suite 108, Plant City, FL, 33563

Application Date: June 24, 2026

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Terence Trekas, Chief Executive Officer

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.
Statutory reference: G.S. 150B-21.2.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rule cited as 14B NCAC 15C .0608.

**SUBCHAPTER 15C - INDUSTRY MEMBERS:
RETAIL/INDUSTRY MEMBER RELATIONSHIPS: SHIP
CHANDLERS: AIR CARRIERS: FUEL ALCOHOL**

Link to agency website pursuant to G.S. 150B-19.1(c):
abc.nc.gov

**SECTION .0600 - SALES AND DELIVERIES OF MALT
BEVERAGES AND WINE**

Proposed Effective Date: *February 1, 2027*

Public Hearing:

Date: *September 9, 2026*

Time: *10:00 a.m.*

Location: *Hearing Room - NC ABC Commission, 400 E. Tryon Road, Raleigh, NC 27609*

Reason for Proposed Action: *Mandatory Review pursuant to G.S. §150B-21.3A*

Comments may be submitted to: *Renee Metz, 400 East Tryon Street, Raleigh, NC 27609; phone (919) 948-7919; email rules@abc.nc.gov*

Comment period ends: *October 2, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq$ \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

**14B NCAC 15C .0608 REFUSAL TO SELL; PRICING;
SERVICING ACCOUNTS**

(a) ~~Refusal to Sell to Retailer.~~ A wholesaler of malt beverages or wine may refuse to sell alcoholic beverages to a retailer for legitimate business reasons so long as the decision not to sell is not related to the size of the account, the distance of the retailer's premises from the wholesaler's warehouse, or the sex, race, age, religion or national origin of the permittee. reasons.

- (1) Legitimate business reasons shall include but not be limited to:
 - (A) returned checks or insufficient funds;
 - (B) retailer lacks the required ABC permit;
 - (C) retailer's permit has expired or been suspended or revoked;
 - (D) retailer is outside the wholesaler's distribution territory;
 - (E) chronic order cancellations creating substantial operational costs;
 - (F) product shortages or allocations or insufficient inventory to service all accounts;
 - (G) retailer insolvency or bankruptcy; or
 - (H) retailer conduct creating an unsafe environment towards delivery personnel.
- (2) Legitimate business reasons shall not include:
 - (A) size of the account;
 - (B) distance of the retailer's premises from the wholesaler's warehouse;
 - (C) sex, race, age, religion, or national origin of the retail permittee;
 - (D) retaliation for lawful complaints to the ABC Commission; and
 - (E) arbitrary or inconsistent treatment of retailers.

(b) ~~Pricing.~~ As used in G.S. 18B-1303(b), the The term "service" in G.S. 18B-1303(b) shall not be construed to prohibit a malt beverage wholesaler from reducing the price of a product in a portion of his assigned territory if the price reduction is made in order to meet a competitor's lower prices offered on similar in the

~~same~~ categories of malt beverage products (~~e.g. "premium" or "low end" products~~) in that ~~same~~ portion of the territory.

Authority G.S. 18B-100; 18B-207; 18B-1303(b).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0301, .0705, and .1305.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/about-dps/boards-and-commissions/private-protective-services-board>

Proposed Effective Date: *December 1, 2026*

Public Hearing:

Date: *August 25, 2026*

Time: *2:00 p.m.*

Location: *3101 Industrial Dr., Suite 104 Raleigh, NC 27609*

Reason for Proposed Action: *The rule governing unarmed security guard and unarmed armored car guard registration transfers, .0705(d) and .1305(d), are being amended to require an online criminal background check and the rule governing the experience requirements for a security guard and patrol business license, .0301, is being amended to require that the experience be verifiable.*

Comments may be submitted to: *Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov*

Comment period ends: *October 2, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq$ \$1,000,000)

- ☐ Approved by OSBM
- ☒ No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

**SECTION .0300 - SECURITY GUARD AND PATROL:
GUARD DOG SERVICE**

**14B NCAC 16 .0301 EXPERIENCE
REQUIREMENTS/SECURITY GUARD AND PATROL
LICENSE**

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a security guard and patrol license shall:

- (1) establish three years of verifiable experience as a manager, supervisor, or administrator with a contract security company or a proprietary security organization performing guard and patrol functions;
- (2) establish three years of verifiable experience as a manager, supervisor, or administrator in security with any federal, state, county, or municipal law enforcement agency performing guard and patrol functions; or
- (3) establish a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces as a manager, supervisor, or administrator performing guard and patrol functions.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a security guard and patrol license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years verifiable experience within the past five years as a manager, supervisor, or administrator performing guard and patrol functions as set forth in G.S. 74C-3(a)(8) while serving in an official capacity with any entity described in Paragraph (a) of this Rule.

(c) Using the formula in Rule .0204(d) of this Chapter, the Board shall give credit toward the experience requirements set forth in Subparagraphs (a)(1) and (2) and Subparagraph (b)(2) of this Rule as follows:

- (1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or coursework related to the private protective services industry was received while obtaining the associate's degree.
- (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The

Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.

- (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.

(d) Persons licensed under Chapter 74D of the General Statutes of North Carolina may be issued a limited guard and patrol license exclusively for providing armed alarm responders.

Authority G.S. 74C-5; 74C-8; 93B-15.1.

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0705 UNARMED SECURITY GUARD REGISTRATION IDENTIFICATION CARDS

(a) The registration identification card shall be carried by the unarmed security guard registrant when performing the duties of a private protective services employee.

(b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any other authorized representative of the Board.

(c) Registration identification card holders shall within five business days notify the Board upon receipt of any information relating to the holder's eligibility to continue holding such a card.

(d) The guard transfer online ~~form~~ form, a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months, and fee shall be submitted to the Board by the employer within ~~40~~ 30 days of the ~~beginning of permanent, non-probationary~~ employment.

~~(e) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the administrator within 10 days of the date of the revocation or suspension.~~

Authority G.S. 74C-5; 74C-11.

SECTION .1300 – ARMORED CAR SERVICE GUARD REGISTRATION (UNARMED)

14B NCAC 16 .1305 UNARMED ARMORED CAR SERVICE GUARD REGISTRATION IDENTIFICATION CARDS

(a) A registration identification card shall be carried by ~~an~~ the armored car service guard registrant when performing the duties of a private protective services employee.

(b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any authorized representative of the Board.

(c) Registration identification card holders shall within five business days notify the Board following receipt of any

information relating to the holder's eligibility to continue holding the card.

(d) The guard transfer ~~form~~ form, a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months, and fee shall be submitted to the Board by the employer within ~~40~~ 30 days of the ~~beginning of permanent, non-probationary~~ employment.

~~(e) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the Director within 10 days of the date of the revocation or suspension.~~

Authority G.S. 74C-3; 74C-5.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Marine Fisheries Commission intends to adopt the rule cited as 15A NCAC 03M .0524.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://deq.nc.gov/mfc-proposed-rules>

Proposed Effective Date: *Subject to Legislative Review*

Public Hearing:

Date: *August 26, 2026*

Time: *6:00 p.m.*

Location: *WebEx Register link: <https://ncgov.webex.com/webex/register/rd413a5ff71720d465fd9b2fe0fe71df9> WebEx Events meeting link: <https://ncgov.webex.com/ncgov/j.php?MTID=md3d30700b6f0c3c5fe2ba5308cd59903> Webinar number: 2439 876 2166 Webinar password: 1234 Webinar phone number: 1-415-655-0003 Access code: 2439 876 2166 Listening station: Division of Marine Fisheries Central District Office, 5285 Highway 70 West, Morehead City, NC 28557*

Reason for Proposed Action: *The proposed rule adoption would implement a five-fish bag limit and otherwise delegate proclamation authority to the Fisheries Director to manage the Atlantic bonito (Sarda sarda) fishery, with prior consent of the Marine Fisheries Commission (MFC) before a proclamation is issued. Landings of Atlantic bonito from the recreational sector have increased in state waters over the last 10 years, and North Carolina accounts for 22% of the overall coastwide landings. Trends in the number of recreationally harvested fish have increased while trends in the number of released fish have remained stable over this time. Atlantic bonito is incidentally caught by commercial fishers pursuing other species; there is not a targeted fishery at this time. Atlantic bonito has a limited shelf life as a fresh product and is not desirable in frozen form. Little information exists on the status of Atlantic bonito in North Carolina, so their stock status is considered unknown, and the species is not managed at either the state or federal level, except Massachusetts. The MFC is seeking to adopt a rule to have the*

ability to manage this fishery as more data continues to be collected and the apparent popularity of the recreational fishery increases.

Comments may be submitted to: Catherine Blum, P.O. Box 769, Morehead City, NC 28557

Written comments may also be submitted via an online form available at <https://deq.nc.gov/mfc-proposed-rules>.

Comment period ends: October 2, 2026

Rule(s) is automatically subject to legislative review: S.L. 2019-198

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq$ \$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required

CHAPTER 03 - MARINE FISHERIES

SUBCHAPTER 03M - FINFISH

SECTION .0500 – OTHER FINFISH

15A NCAC 03M .0524 ATLANTIC BONITO

(a) It shall be unlawful to possess more than five Atlantic bonito per person per day for recreational purposes.

(b) The Fisheries Director may, with prior consent of the Marine Fisheries Commission, by proclamation and pursuant to 15A NCAC 03H .0103, impose any of the following requirements on the taking of Atlantic bonito:

- (1) specify time;
- (2) specify area;
- (3) specify means and methods;
- (4) specify season;
- (5) specify size; and
- (6) specify quantity, except as provided in Paragraph (a) of this Rule.

Authority G.S. 113-134; 113-182; 113-221.1; 143B-289.52.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 06 - BARBER AND ELECTROLYSIS EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber and Electrolysis Examiners intends to adopt the rule cited as 21 NCAC 06O .0202, and amend the rules cited as 21 NCAC 06O .0101-.0104, .0118, and .0121.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.bbee.nc.gov/news/rulemaking>

Proposed Effective Date: December 1, 2026

Public Hearing:

Date: August 19, 2026

Time: 10:30 a.m.

Location: By videoconference at <https://bit.ly/august-2026-rulemaking-hearing> or by telephone at 984-204-1487, conference ID 752 885 07#

Reason for Proposed Action: *The board is increasing or establishing various civil penalties to improve the board's ability to prevent unlawful practice of barbering, electrolysis, and laser hair practice.*

Comments may be submitted to: Dennis Seavers, 7001 Mail Service Center, Raleigh, NC 27699-7000; phone (919) 814-0641; email dennis.seavers@nc.gov

Comment period ends: October 2, 2026

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ($\geq$ \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

SUBCHAPTER 06O – CIVIL PENALTY

21 NCAC 06O .0101 SCHEDULE OF PENALTIES

The rules in this Subchapter establish the schedule of civil penalties required by ~~G.S. 86A-27(e)~~; G.S. 86B-10(c). The amounts stated are the presumptive amounts that may be modified in accordance with ~~G.S. 86A-27(b)~~; G.S. 86B-10(b).

Authority ~~G.S. 86A-5(a)(6); 86A-27;~~ G.S. 86B-2; 86B-10.

21 NCAC 060 .0102 LICENSING OF BARBER SHOPS

(a) The presumptive civil penalty for operating a barber shop without first filing an application for a barber shop license, obtaining an inspection, and obtaining a shop ~~permit~~; permit shall be five hundred dollars (\$500.00).

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for operating a barber shop with an expired ~~permit~~; permit shall be five hundred dollars (\$500.00).

(1)	1st offense	\$150.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

Authority G.S. 86A-1; 86A-5(a)(6); 86A-27; G.S. 86B-2; 86B-10; 86B-21.

21 NCAC 060 .0103 LICENSING OF BARBER SCHOOLS

(a) The presumptive civil penalty for operating a barber school without first filing an application for a barber school license, obtaining an inspection, and obtaining a school ~~permit~~; permit shall be five hundred dollars (\$500.00).

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for operating a barber school with an expired ~~permit~~; permit shall be five hundred dollars (\$500.00).

(1)	1st offense	\$150.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

Authority G.S. 86A-1; 86A-5(a)(6); 86A-27; G.S. 86B-2; 86B-10; 86B-21.

21 NCAC 060 .0104 UNSUPERVISED APPRENTICE

(a) The presumptive civil penalty for a ~~registered licensed~~ barber allowing an apprentice ~~or student~~ barber with or holder of a temporary permit to engage in barbering in the barber shop without supervision as required by ~~G.S. 86A-24(b)~~; G.S. 86B-40(b) shall be five hundred dollars (\$500.00).

(1)	1st offense	\$300.00
(2)	2nd offense	\$400.00

(b) The presumptive civil penalty for an apprentice ~~or student~~ barber with or holder of a temporary permit engaging in barbering without supervision as required by ~~G.S. 86A-24(b)~~; G.S. 86B-40(b) shall be five hundred dollars (\$500.00).

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

Authority G.S. 86A-5(a)(6); 86A-24; 86A-27; G.S. 86B-2; 86B-10; 86B-40.

21 NCAC 060 .0118 UNLICENSED BARBER STUDENT

(a) The presumptive civil penalty for a barber school allowing an individual to receive barber instruction without a barber student ~~permit~~; permit shall be five hundred dollars (\$500.00).

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

(b) The presumptive civil penalty for an individual engaging as a barber student without a barber student ~~permit~~; permit shall be five hundred dollars (\$500.00).

(1)	1st offense	\$200.00
(2)	2nd offense	\$300.00
(3)	3rd offense	\$500.00

Authority G.S. 86A-1; 86A-22; 86A-27; G.S. 86B-2; 86B-10; 86B-38.

21 NCAC 060 .0121 FAILURE TO DISPLAY SANITATION GRADE AND SHOP PERMIT

The presumptive civil penalty for the failure of a barber shop to display its sanitation grade and barber shop permit in a place visible to the public at the front of the ~~shop~~; shop shall be five hundred dollars (\$500.00).

(1)	1st offense	\$50.00
(2)	2nd offense	\$100.00
(3)	3rd offense	\$200.00

Authority G.S. 86A-1; 86A-5(a)(6); 86A-16; 86A-27; G.S. 86B-2; 86B-10; 86B-21; 86B-33.

SECTION .0200 – ELECTROLYSIS

21 NCAC 060 .0202 UNLAWFUL PRACTICE OF ELECTROLYSIS OR LASER, LIGHT-SOURCE, OR PULSED-LIGHT TREATMENTS

The presumptive civil penalty for engaging in the practice of electrolysis or laser, light-source, or pulsed-light treatments without a license shall be five thousand dollars (\$5,000.00).

Authority G.S. 86B-2; 86B-52.

CHAPTER 29 - LOCKSMITH LICENSING BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Locksmith Licensing Board intends to amend the rule cited as 21 NCAC 29 .0802.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://nclocksmithboard.org/>

Proposed Effective Date: December 1, 2026

Public Hearing:

Date: September 2, 2026

Time: 12:00 p.m.

Location: 2710 Wycliff Road, Suite 220, Raleigh, NC 27607

Reason for Proposed Action: To revise continuing education requirements for licensees.

Comments may be submitted to: *Barden Culbreth, P.O. Box 10972, Raleigh, NC 27605; phone (919) 838-8782; email director@nclocksmithboard.org*

Comment period ends: *October 2, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☒ **State funds affected**
- ☒ **Local funds affected**
- ☐ **Substantial economic impact ($\geq$ \$1,000,000)**
- ☒ **Approved by OSBM**
- ☐ **No fiscal note required**

SECTION .0800 – CONTINUING EDUCATION

21 NCAC 29 .0802 REQUIREMENTS

(a) Every licensee shall obtain 16 contact hours of continuing education during each 3-year renewal cycle, ~~except:~~ except persons exempted from eight contact hours in Rule .0805 of this Section.

- (1) ~~Persons exempted from eight contact hours in Rule .0805 of this Section; and~~
- (2) ~~Persons who:~~
 - (A) ~~are at least 62 years of age;~~
 - (B) ~~have at least 15 years of experience as locksmiths;~~
 - (C) ~~have been North Carolina licensed locksmiths for at least nine years; and~~
 - (D) ~~are not subject to an investigation by the Board.~~

(b) The contact hours of continuing education shall be in technical and professional subjects related to the practice of ~~locksmithing.~~ locksmithing, which may include the ethical practice of operating a locksmith business.

(c) Licensees shall not carry forward any contact hours of continuing education into the subsequent renewal period.

(d) Licensees shall verify completion of the contact hours of continuing education for the previous license period on their application for license renewal.

Authority G.S. 74F-6.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on June 25, 2026 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT****COUNCIL OF STATE**

<u>Administration</u>	06 NCAC	01	.0108	40:11 NCR
<u>Meetings</u>	06 NCAC	01	.0110	40:11 NCR
<u>Location</u>	06 NCAC	01	.0111*	40:11 NCR
<u>Proxies</u>	06 NCAC	01	.0112*	40:11 NCR
<u>Agenda</u>	06 NCAC	01	.0113*	40:11 NCR
<u>Records of Meetings</u>	06 NCAC	01	.0114	40:11 NCR
<u>Preliminary Steps for Rule-Making</u>	06 NCAC	02	.0105	40:11 NCR
<u>Petitions for Rule-Making Hearings</u>	06 NCAC	02	.0106*	40:11 NCR
<u>Adoption or Approval of Rules</u>	06 NCAC	02	.0107*	40:11 NCR
<u>Filing of Rules</u>	06 NCAC	02	.0108*	40:11 NCR
<u>Records of Declaratory Rulings</u>	06 NCAC	04	.0104	40:11 NCR

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Purpose</u>	12 NCAC	09B	.0601	40:13 NCR
<u>Establishment of Program Evaluation Committee</u>	12 NCAC	09B	.0602	40:13 NCR
<u>Levels of Approval</u>	12 NCAC	09B	.0603	40:13 NCR
<u>Self Study</u>	12 NCAC	09B	.0604	40:13 NCR
<u>Institutional Visitation</u>	12 NCAC	09B	.0605	40:13 NCR
<u>Application Procedures</u>	12 NCAC	09B	.0606	40:13 NCR
<u>Procedural Considerations</u>	12 NCAC	09B	.0607	40:13 NCR
<u>Appeal Procedures</u>	12 NCAC	09B	.0608	40:13 NCR
<u>Failure to Qualify: Annual In-Service Firearms Training</u>	12 NCAC	09E	.0107*	40:13 NCR
<u>Recertification Following Separation</u>	12 NCAC	09G	.0305*	40:13 NCR
<u>Basic Training for Correctional Officers</u>	12 NCAC	09G	.0411	40:18 NCR
<u>Basic Training for Probation/Parole Officers</u>	12 NCAC	09G	.0412*	40:18 NCR

COASTAL RESOURCES COMMISSION

<u>Authority</u>	15A NCAC	07B	.0601*	40:14 NCR
<u>Planning Options</u>	15A NCAC	07B	.0701*	40:14 NCR
<u>Elements of Cama Core and Advanced Core Land Use Plans</u>	15A NCAC	07B	.0702	40:14 NCR
<u>State Review and Comment on Draft Plan</u>	15A NCAC	07B	.0801	40:14 NCR
<u>Public Hearing and Local Adoption Requirements</u>	15A NCAC	07B	.0802*	40:14 NCR
<u>Certification and Use of the Plan</u>	15A NCAC	07B	.0803	40:14 NCR
<u>Required Periodic Implementation Status Reports</u>	15A NCAC	07B	.0804	40:14 NCR

EDUCATION, STATE BOARD OF

<u>Definitions</u>	16 NCAC	06C	.0101*	40:13 NCR
<u>Vacation Leave</u>	16 NCAC	06C	.0401*	40:17 NCR

APPROVED RULES

<u>Sick Leave</u>	16 NCAC	06C	.0402*	40:17 NCR
<u>Substitutes</u>	16 NCAC	06C	.0403*	40:17 NCR
<u>Leave With Pay</u>	16 NCAC	06C	.0404	40:17 NCR
<u>Leave Without Pay</u>	16 NCAC	06C	.0405	40:17 NCR
<u>Military Duty Without Loss Of Pay</u>	16 NCAC	06C	.0406*	40:17 NCR
<u>Vacation Leave</u>	16 NCAC	06C	.0409*	40:17 NCR
<u>Sick Leave Banks</u>	16 NCAC	06C	.0411	40:17 NCR
<u>Limited English Proficiency Programs</u>	16 NCAC	06D	.0106*	40:15 NCR
<u>Definitions</u>	16 NCAC	06E	.0201	40:15 NCR
<u>Administration of Interscholastic Athletes</u>	16 NCAC	06E	.0204	40:15 NCR
<u>Student Health and Safety</u>	16 NCAC	06E	.0205	40:15 NCR
<u>Student Participation Rules</u>	16 NCAC	06E	.0207*	40:15 NCR
<u>Penalty Rules</u>	16 NCAC	06E	.0209	40:15 NCR
<u>Name, Image, and Likeness</u>	16 NCAC	06E	.0211	40:15 NCR
<u>Appeals</u>	16 NCAC	06E	.0215	40:15 NCR
<u>Driver Training</u>	16 NCAC	06E	.0301	40:15 NCR
<u>Non-Certified Instructor Status</u>	16 NCAC	06E	.0302*	40:15 NCR
<u>Driver Education Contractors</u>	16 NCAC	06E	.0303*	40:15 NCR
<u>Driver Education Program</u>	16 NCAC	06E	.0304*	40:15 NCR
<u>Driver Eligibility Certificates</u>	16 NCAC	06E	.0305*	40:15 NCR

APPRAISAL BOARD

<u>Qualifications for Trainee Registration and Appraiser Lic...</u>	21 NCAC	57A	.0201*	40:18 NCR
<u>Continuing Education</u>	21 NCAC	57A	.0204*	40:18 NCR
<u>Payment of Registration, License And Certificate Fees</u>	21 NCAC	57A	.0207*	40:18 NCR
<u>Display of Registration, Licenses and Certificates</u>	21 NCAC	57A	.0402	40:18 NCR
<u>Advertising</u>	21 NCAC	57A	.0403*	40:18 NCR
<u>Appraisal Reports</u>	21 NCAC	57A	.0405*	40:18 NCR
<u>Supervision of Trainees</u>	21 NCAC	57A	.0407*	40:18 NCR
<u>Experience Credit to Upgrade</u>	21 NCAC	57A	.0601*	40:18 NCR
<u>Types of Appraisal Experience</u>	21 NCAC	57A	.0604*	40:18 NCR
<u>Reporting Appraisal Experience</u>	21 NCAC	57A	.0605*	40:18 NCR
<u>Administration</u>	21 NCAC	57B	.0207*	40:18 NCR
<u>Instructor Requirements</u>	21 NCAC	57B	.0306*	40:18 NCR
<u>Criteria for Course Approval</u>	21 NCAC	57B	.0603*	40:18 NCR
<u>Instructors for the Trainee/Supervisor Course Required by...</u>	21 NCAC	57B	.0614*	40:18 NCR
<u>Payment of Fees to the Board</u>	21 NCAC	57D	.0204*	40:18 NCR
<u>Appraiser Competency</u>	21 NCAC	57D	.0305*	40:18 NCR
<u>Business Practices</u>	21 NCAC	57D	.0401*	40:18 NCR

This Rule is subject to Legislative Review.

CLINICAL MENTAL HEALTH COUNSELORS, BOARD OF LICENSED

<u>Professional Counseling Licensure Compact Fees and Examin...</u>	21 NCAC	53	.0505*	40:14 NCR
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TITLE 06 - DEPARTMENT OF COUNCIL OF STATE

06 NCAC 01 .0108

ADMINISTRATION

CHAPTER 01 - DEPARTMENTAL RULES

The Council shall be served by a secretary who shall be appointed by the Governor. In the absence of the Governor, the Lieutenant

Governor shall preside. In the absence of the Lieutenant Governor, the Council shall be chaired by a member of the Council to be determined by the order in which members are listed in Article III, Section 7 of the North Carolina Constitution.

*History Note: Authority North Carolina Constitution, Article III, Section 2,7,8;
Eff. July 1, 2026.*

06 NCAC 01 .0110 MEETINGS

The Council of State shall convene at such times and places, as the Governor shall deem necessary.

*History Note: Authority G.S. 147-13;
Eff. July 1, 2026.*

06 NCAC 01 .0111 LOCATION

The Council of State has no permanent office or staff. Matters to be brought before the Council of State shall be submitted to the Council's Secretary through the Office of the Governor unless by statute or specific rule they must first be presented to an executive department for transmittal to the Council.

*History Note: Authority G.S. 147-13;
Eff. July 1, 2026.*

06 NCAC 01 .0112 PROXIES

No proxies shall be counted in order to establish a quorum for conducting business.

*History Note: Authority G.S. 147-13;
Eff. July 1, 2026.*

06 NCAC 01 .0113 AGENDA

The agenda for each Council of State meeting shall be compiled by the Council's Secretary. The Secretary is authorized to make sufficient inquiries and request sufficient information to ensure that the Council will have adequate information with which to consider any agenda item. On each agenda there shall be an occasion provided for any individual Council of State member to bring before the Council any other matter desired.

*History Note: Authority G.S. 147-13;
Eff. July 1, 2026.*

06 NCAC 01 .0114 RECORDS OF MEETINGS

The minutes of the Council of State meetings shall be kept by the Secretary and shall be compiled into the journal of the Council of State. The journal shall be kept in the Office of the Governor and shall be open to public inspection during regular business hours.

*History Note: Authority G.S. 132-1; 147-13;
Eff. July 1, 2026.*

CHAPTER 2 - RULE-MAKING PROCEDURES

06 NCAC 02 .0105 PRELIMINARY STEPS FOR RULE-MAKING

In those instances where the Council of State must approve a rule adopted by an executive department or when it adopts a rule itself, proposed text for the rule must be submitted to the Council for review beforehand. The proposed text shall be submitted by the executive department responsible for administering the statute to which the proposed rule relates. The executive department must follow Chapter 150B of the General Statutes on rule-making before submitting its recommendation to the Council. The hearing procedures applicable to that executive department apply. The Council may initiate rule-making in those matters which require its approval.

*History Note: Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1;
Eff. July 1, 2026.*

06 NCAC 02 .0106 PETITIONS FOR RULE-MAKING HEARINGS

Whenever any person submits a petition for rule-making relating to matters for which the Council of State must approve or promulgate rules, the chief executive official of the responsible department shall determine if the public interest will be served by granting the request. If the request is denied, the petitioning party may appeal that decision as stated in G.S. 150B-20(d).

*History Note: Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1; 150B-20;
Eff. July 1, 2026.*

06 NCAC 02 .0107 ADOPTION OR APPROVAL OF RULES

Upon completion of the departmental rule-making process, the department shall forward proposed rules which must be approved or adopted by the Council, along with a record or minutes of the rule-making hearing and any other written submissions desired, to the Council's secretary for inclusion on the agenda of the Council's next meeting. The Council may request such other information as it deems necessary and appropriate from the department.

*History Note: Authority G.S. 126-12; 143-260.8(g); 143-341(4),(8)(k); 143-345.1; 146-1; 147-13; 150B-18;
Eff. July 1, 2026.*

06 NCAC 02 .0108 FILING OF RULES

Rules adopted by the Council of State are recorded in the journal of the Council and are codified pursuant to the provisions of the North Carolina Administrative Procedure Act, Chapter 150B of the North Carolina General Statutes, with the rules of the executive department responsible for administering the rules and related statutes.

*History Note: Authority G.S. 147-13; 150B-21.18; 150B-21.19;
Eff. July 1, 2026.*

06 NCAC 04 .0104 RECORDS OF DECLARATORY RULINGS

A record of all declaratory ruling proceedings shall be maintained in the executive department responsible for administering the statute to which the questioned rule relates. The record shall be maintained in accordance with the department's administrative procedures. Also, a record of the dispositions of all such declaratory ruling proceedings shall be kept in the Council journal.

*History Note: Authority G.S. 147-13; 150B-4;
Eff. July 1, 2026.*

TITLE 12 - DEPARTMENT OF JUSTICE

- | | |
|--------------------------|--|
| 12 NCAC 09B .0601 | PURPOSE |
| 12 NCAC 09B .0602 | ESTABLISHMENT OF
PROGRAM EVALUATION
COMMITTEE |
| 12 NCAC 09B .0603 | LEVELS OF APPROVAL |
| 12 NCAC 09B .0604 | SELF STUDY |
| 12 NCAC 09B .0605 | INSTITUTIONAL VISITATION |
| 12 NCAC 09B .0606 | APPLICATION PROCEDURES |
| 12 NCAC 09B .0607 | PROCEDURAL
CONSIDERATIONS |
| 12 NCAC 09B .0608 | APPEAL PROCEDURES |

*History Note: Authority G.S. 17C-6(b)(10);
Eff. January 1, 1985;
Amended Eff. December 1, 1998; July 1, 1989; July 1, 1988;
September 1, 1987; May 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Repealed Eff. July 1, 2026.*

**12 NCAC 09E .0107 FAILURE TO QUALIFY:
ANNUAL FIREARMS QUALIFICATION**

- (a) Where an officer is employed with an agency that establishes a higher standard for annual firearms qualification than those specified in this Subchapter and the officer has failed to meet the requirements of the employing agency as of December 31 in a given calendar year, such officer shall meet the requirements of this Rule for continued certification. Prior to transfer to another agency, the officer shall meet the requirements of this Rule.
- (b) Upon notification to the Division via Form F-9B, 'Report of Non-Compliance of Mandatory In-Service Training', that an officer has failed to meet the requirements for annual firearms qualification as specified in 12 NCAC 09E .0106 of this Subchapter, the law enforcement officer's certification shall be suspended. Form F-9B shall contain the following: officer's name, Academy ID number, mailing address, agency name, whether the officer is requesting a waiver, name and signature of agency head or authorized representative, and checklist of incomplete in-service training topics.
- (c) The Division shall rescind the suspension indicated in Paragraph (b) of this Rule upon receipt from an agency representative of Form F-9C, 'Return to Duty Request', indicating the suspended officer has completed the annual firearms

qualification pursuant to 12 NCAC 09E .0106. Form F-9C shall contain the following: officer's name, Academy ID number, agency name, current certification status, completion date of each block of in-service training, and name and signature of agency head or authorized representative.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;
Amended Eff. January 1, 2005; August 1, 2000; March 1, 1992;
March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Amended Eff. July 1, 2023;
Readopted Eff. July 1, 2026.*

**12 NCAC 09G .0305 RECERTIFICATION
FOLLOWING SEPARATION**

- (a) Previously certified corrections officers, with a minimum of one year of service who have been separated from the North Carolina Department of Adult Correction for less than three years, may have their certification reinstated following a reverification of employment standards in 12 NCAC 09G .0208 (excluding 12 NCAC 09G .0208(b)(5)) and 12 NCAC 09G .0209 (excluding 12 NCAC 09G .0209(b)(5)) but are exempt from the job appropriate basic training course described in 12 NCAC 09G .0411 and .0412.
- (b) Previously certified corrections officers with less than one year of service who have completed the applicable basic training course, pursuant to 12 NCAC 09G .0411 and .0412, and who have been separated from the North Carolina Department of Adult Correction for less than five years, upon their return shall complete the verification of employment standards and shall complete the following:

- (1) the appropriate abbreviated course of instruction focused on current standards of the North Carolina Department of Adult Correction (NCDAC), delivered by the NCDAC Office of Staff Development and Training, and:
 - (A) previously certified corrections officers who have been separated for less than three years will not be required to complete the State Corrections Examination;
 - (B) previously certified corrections officers who have been separated between three years and five years will be required to successfully pass the State Corrections Examination; and
- (2) the mandatory firearms classroom training and achieve a passing qualification score on the firearms range qualification with the agency duty weapon(s).

- (c) Applicants pursuant to Paragraph (b) of this Rule will be allowed to remediate one failure under each Subparagraph (b)(1) and (b)(2) of this Rule, but, upon a second failure, will be required to complete the entire commission approved basic training for correctional or probation/parole officers, pursuant to 12 NCAC 09G .0411 and .0412, before being eligible for certification.

History Note: Authority G.S. 17C-2; 17C-6; 17C-10;

*Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2025; May 1, 2023;
Readopted Eff. July 1, 2026.*

**12 NCAC 09G .0411 BASIC TRAINING FOR
CORRECTIONAL OFFICERS**

(a) The Correctional Officer Basic Training (COBT) Course shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a correctional officer. The COBT Course shall consist of a minimum of 160 hours of instruction and include the following course topics:

- (1) Firearms;
- (2) Defensive Protection;
- (3) Legal Issues for Correctional Supervision;
- (4) Emergency Procedures;
- (5) Operational Processes;
- (6) The Institution Culture;
- (7) Basic Life Support; and
- (8) Contemporary Correctional Theory.

(b) The Abbreviated COBT Course shall consist of instruction designed to provide trainees that have prior experience as correctional officers, pursuant to 12 NCAC 09G .0305(b), with the skills and knowledge to perform those tasks essential to function as a correctional officer. The Abbreviated COBT Course shall consist of a minimum of 50 hours of instruction and include the following course topics:

- (1) Firearms;
- (2) Defensive Protection;
- (3) Legal Issues for Correctional Supervision;
- (4) Emergency Procedures;
- (5) Operational Processes;
- (6) The Institutional Culture; and
- (7) Contemporary Correctional Theory.

*History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Readopted Eff. July 1, 2026.*

**12 NCAC 09G .0412 BASIC TRAINING FOR
PROBATION/PAROLE OFFICERS**

(a) The Probation/Parole Officer Basic Training (PPOBT) Course shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a probation/parole officer. The PPOBT Course shall consist of a minimum of 216 hours and include the following course topics:

- (1) Firearms;
- (2) Defensive Protection;
- (3) Court Processes;
- (4) Case Processing and Management;
- (5) Arrest Procedures;
- (6) Basic Life Support;

- (7) Employee Wellness;
- (8) Professional Ethics;
- (9) Personal and Professional Conduct; and
- (10) Contemporary Correctional Theory.

(b) The Abbreviated PPOBT Course shall consist of instruction designed to provide trainees that have prior experience as probation/parole officers, pursuant to 12 NCAC 09G .0305(b), with the skills and knowledge to perform those tasks essential to function as a probation/parole officer. The Abbreviated PPOBT Course shall consist of a minimum of 50 hours of instruction and include the following course topics:

- (1) Firearms;
- (2) Defensive Protection;
- (3) Court Processes;
- (4) Case Processing and Management;
- (5) Arrest Procedures;
- (6) Professional Ethics;
- (7) Personal and Professional Conduct; and
- (8) Contemporary Correctional Theory.

*History Note: Authority G.S. 17C-6; 17C-10;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2015; February 1, 2006; August 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. May 25, 2019;
Readopted Eff. July 1, 2026.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL
QUALITY**

15A NCAC 07B .0601 AUTHORITY

This Subchapter establishes the rules that local governments shall follow in developing and adopting a land use plan or comprehensive plan, hereinafter referred to as "the plan", to meet the Coastal Resources Commission's (CRC) planning requirements pursuant to G.S. 113A-110 and 113A-111.

*History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;
Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. August 22, 2015;
Amended Eff. February 1, 2016;
Readopted Eff. July 1, 2026.*

15A NCAC 07B .0701 PLANNING OPTIONS

(a) Each county within the coastal area may prepare and adopt a land use plan or comprehensive plan, hereinafter referred to as "the plan", that meets the planning requirements adopted by the Coastal Resources Commission (CRC). The CRC shall prepare and adopt a plan that meets the CRC's planning requirements as set forth in Rule .0702 of this Section for each county that chooses not to prepare and adopt a plan. Municipalities may develop individual plans that meet the CRC's requirements if:

- (1) the county delegates this authority to the municipality; or

- (2) the CRC grants this authority upon written request from a municipality that is enforcing its zoning ordinance, its subdivision regulations, and the State Building Code within its jurisdiction.

(b) A county shall accept a municipality's locally adopted policies and implementation actions for inclusion in the county plan for the municipality's jurisdiction if requested to do so by any municipality not preparing its own plan. Inclusion of a municipality's adopted policies and implementation actions shall occur either at the time of county plan preparation or a subsequent county plan amendment. The municipality's policies and implementation actions are limited to its jurisdiction and may differ from the county's policies and implementation actions.

(c) Municipalities may seek certification as set forth in Rule .0803 of this Subchapter for these plans if all requirements found in this Subchapter and G.S. 113A-110 are met.

History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;

Eff. August 1, 2002;

Readopted Eff. July 1, 2026; February 1, 2016.

15A NCAC 07B .0702 LAND USE PLAN ELEMENTS

(a) Organization of the Plan. The land use plan or comprehensive plan, hereinafter referred to as "the plan", shall include a matrix that shows the location of the required elements as set forth in this Rule.

(b) Community Concerns and Aspirations. The purpose of this element is to provide an understanding of the underlying planning needs and desires of the community to support the land use and development policies included in the plan. This element shall include:

- (1) Significant existing and emerging conditions: The plan shall describe the dominant growth-related conditions that influence land use, development, water quality, and other environmental concerns in the planning area.
- (2) Key issues: The plan shall describe the land use and development topics most important to the future of the planning area. This description shall include public access, land use compatibility, infrastructure carrying capacity, natural hazard areas, water quality, and may also include local areas of concern as described in Subparagraph (d)(2) of this Rule.
- (3) A community vision: The vision shall describe the general physical appearance and form that represents the local government's plan for the future. It shall include objectives to be achieved by the plan and identify changes that may be needed to achieve the planning vision as determined by the local government.

(c) Existing and Emerging Conditions. The purpose of this element is to provide a sound factual basis necessary to support the land use and development policies included in the plan. It shall describe the following:

- (1) Population, Housing, and Economy. The plan shall include discussion of the following data and trends:

- (A) Population: Permanent population growth trends using data from the two most recent decennial Censuses; current permanent and seasonal population estimates; key population characteristics, including age and income; and thirty-year projections of permanent and seasonal population in five-year increments.
- (B) Housing stock: The plan shall include an estimate of current housing stock, including permanent and seasonal units, tenure, and types of units (single-family, multifamily, and manufactured).
- (C) Local economy: The plan shall describe employment by major sectors and community economic activity.

- (2) Natural systems. The plan shall describe the natural features and discuss the environmental conditions of the planning jurisdiction to include:

- (A) Areas of Environmental Concern (AECs) as set forth in 15A NCAC 07H;
- (B) Soil characteristics, including limitations for septic tanks, erodibility, and other factors related to development;
- (C) Environmental Management Commission (EMC) water quality classifications (SC, SB, SA, HQW, and ORW) and related use support designations located at 15A NCAC 02B and are incorporated by reference including subsequent amendments at no cost located here: <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2015A%20-%20Environmental%20Quality\Chapter%2002%20-%20Environmental%20Management>. And the Marine Fisheries Commission shellfish growing areas in 15A NCAC 18A .0900 and 15A NCAC 18A .3400 which are incorporated by reference including subsequent amendments located at no cost here: <http://reports.oah.state.nc.us/ncac.asp?folderName=\Title%2015A%20-%20Environmental%20Quality\Chapter%2018%20-%20Environmental%20Health>. Water quality conditions can be found on the Division of Marine Fisheries website at

- <https://www.deq.nc.gov/about/divisions/marine-fisheries/shellfish-sanitation-and-recreational-water-quality>.
- (D) Flood and other natural hazard areas;
 - (E) Storm surge areas;
 - (F) Non-coastal wetlands, including forested wetlands, shrub-scrub wetlands and freshwater marshes;
 - (G) Water supply watersheds or wellhead protection areas;
 - (H) Primary nursery areas;
 - (I) Environmentally fragile areas, such as wetlands, natural heritage areas, areas containing endangered species, prime wildlife habitats, or marine forests; and
 - (J) Additional natural features or conditions identified by the local government.
- (3) Environmental conditions: The plan shall provide an assessment of the following environmental conditions and features:
- (A) Status and changes of surface water quality, including impaired streams from the most recent N.C. Division of Water Resources Basin Planning Branch Reports, Clean Water Act 303(d) List, and other comparable data;
 - (B) Current situation and trends on permanent and temporary closures of shellfishing waters as determined by the Report of Sanitary Survey by the Shellfish Sanitation and Recreational Water Quality Section of the N.C. Division of Marine Fisheries;
 - (C) Areas experiencing chronic wastewater treatment system malfunctions;
 - (D) Areas with water quality or public health problems related to non-point source pollution;
 - (E) Areas subject to recurrent flooding, storm surges and high winds;
 - (F) Areas experiencing significant shoreline erosion as evidenced by the presence of threatened structures or public facilities;
 - (G) Environmentally fragile areas as defined in Part (C)(2)(I) of this Rule or areas where resource functions are impacted as a result of development; and
 - (H) Natural resource areas that are being impacted or lost as a result of incompatible development. These may include, but are not limited to the following: coastal wetlands, protected open space, and agricultural land.
- (4) Existing Land Use and Development. The plan shall include a map and descriptions of the following:
- (A) Existing land use patterns, which may include the following categories: Residential, commercial, industrial, institutional, public, dedicated open space, vacant, agriculture, and forestry. Land use descriptions shall include estimates of the land area allocated to each land use and characteristics of each land use category.
 - (B) Historic, cultural, and scenic areas designated by a state or federal agency or by local government.
- (5) Community Facilities. The plan shall evaluate existing and planned capacity, location, and adequacy of community facilities that serve the community's existing and planned population and economic base; as well as those that protect important environmental factors such as water quality; and that guide land development in the coastal area. The evaluation shall include:
- (A) Public and private water supply and wastewater systems. The plan shall describe existing public and private systems, including existing condition and capacity. It shall describe any documented overflows, bypasses, or other problems that may degrade water quality or constitute a threat to public health as documented by the Division of Water Resources (DWR). It shall indicate future needs based on population projections. The plan shall include a map of existing and planned service areas.
 - (B) Transportation systems. The plan shall include a map of the existing and planned multimodal systems and port and airport facilities. It shall describe any highway segments deemed by the North Carolina Department of Transportation (NCDOT) as having unacceptable service as documented in the most recent NCDOT Transportation and/or Thoroughfare Plan. It shall describe highway facilities on the current thoroughfare plan or facilities on the current transportation improvement plan. It shall describe the impact of existing facilities on land use patterns.
 - (C) Stormwater systems. The plan shall describe the existing public stormwater management system. It

shall identify existing drainage problems and water quality issues related to point-source discharges of stormwater runoff.

(d) Future Land Use. This element of the plan is intended to guide the development and use of land in a manner that achieves the goals of the Coastal Area Management Act through local government land use and development policies, including a future land use map. This element shall include:

(1) Policies.

(A) Community Concerns and Aspirations and Existing and Emerging Conditions shall be considered in the development of local government plan policies as required in Paragraphs (b) and (c) of this Rule.

(B) Policies shall be consistent with the goals of the CAMA, shall address the Land Use Plan Management Topics set forth in Subparagraph (d)(2) of this Rule, and comply with all state and federal rules.

(C) Policies that exceed use standards and permitting requirements found in Subchapter 07H, State Guidelines for Areas of Environmental Concern, shall be identified in the plan.

(2) Land Use Plan Management Topics. The purposes of the CRC management topics, public access, land use compatibility, infrastructure carrying capacity, natural hazard areas, and water quality, are to ensure that plans support the goals of the CAMA, define the CRC's expectations for land use policies, and provide a basis for plan review and certification by the CRC. In addition to the management topics outlined below, plans may also include policies to address local areas of concern. Each management topic includes two components: a management goal and planning objectives.

(A) Public Access Management Goal: Maximize public access to the beaches and the public trust waters of the coastal region.

(B) Public Access Planning Objectives: The plan shall include policies that address access needs and opportunities, with strategies to develop public access and provisions for all segments of the community, including persons with disabilities. Oceanfront communities shall establish access policies for beach areas targeted for nourishment.

(C) Land Use Compatibility Management Goal: Ensure that development and use of resources or preservation of land balance protection of natural resources and fragile areas with

economic development, avoids risks to public health, safety, and welfare.

(D) Land Use Planning Objectives: The plan shall include policies that characterize future land use development patterns and establish mitigation criteria and concepts to minimize conflicts.

(E) Infrastructure Carrying Capacity Management Goal: Ensure that public infrastructure systems are sized, located, and managed so the quality and productivity of AECs and other fragile areas are protected and restored.

(F) Infrastructure Carrying Capacity Planning Objectives: The plan shall include policies that establish service criteria and ensure improvements minimizing impacts to AECs and other fragile areas.

(G) Natural Hazard Areas Management Goal: Conserve and maintain barrier dunes, beaches, flood plains, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.

(H) Natural Hazard Areas Planning Objectives: The plan shall include policies that establish mitigation and adaptation concepts and criteria for development and redevelopment, including public facilities, and that minimize threats to life, property, and natural resources resulting from erosion, high winds, storm surge, flooding, and other natural hazards.

(I) Water Quality Management Goal: Maintain, protect, and where possible enhance water quality in all coastal wetlands, rivers, streams, and estuaries.

(J) Water Quality Planning objectives: The plan shall include policies that establish strategies and practices to prevent or control nonpoint source pollution and maintain or improve water quality.

(3) Future land use map. The plan shall include a map that depicts the policies for growth and development, and the desired future patterns of land use and land development with consideration given to natural system constraints and infrastructure. The plan shall include map designations with descriptions of land uses and development.

(e) Tools for Managing Development. The purpose of this element is to describe the management tools and actions the local

government will use to implement the plan. This element shall include:

- (1) Guide for land use decision-making. The plan shall describe the role of the plan policies, including the future land use map, in local decisions regarding land use and development.
- (2) Development program. The plan shall describe the community's development management program, including local ordinances, codes, other plans and policies.
- (3) Action plan and implementation schedule. The plan shall describe the actions that will be taken by the local government to implement policies that meet the CRC's management topic goals and objectives. It shall specify the fiscal year(s) in which each action is anticipated to start and finish. It shall describe the specific steps the local government plans to take to implement the policies, including the adoption and amendment of local ordinances, other plans, and special projects. The action plan shall be used to prepare the implementation status report for the plan.

History Note: Authority G.S. 113A-102; 113A-107(a); 113A-110; 113A-111; 113A-124;
Eff. August 1, 2002;
Amended Eff. April 1, 2003;
Readopted Eff. July 1, 2026; February 1, 2016.

15A NCAC 07B .0801 STATE REVIEW AND COMMENT ON DRAFT PLAN

The Division of Coastal Management shall review all draft land use plans or comprehensive plans, hereinafter referred to as plans, for consistency with the CRC's requirements for plans prior to local adoption, as set forth in Rule .0702 of this Subchapter. The Division shall provide written notice to the CRC, other State and Federal Agencies, and adjacent jurisdictions (including non-CAMA areas and if applicable, out of state areas) that the plan is available for review and comment. The review period shall be 30 calendar days and shall begin upon receipt of a plan accepted as complete by the Division, as set forth in Rule .0702 of this Subchapter. The Division shall provide written comments to the local government within 45 calendar days after the end of the review period.

History Note: Authority G.S. 113A-106; 113A-107;
Eff. February 1, 2016;
Readopted Eff. July 1, 2026.

15A NCAC 07B .0802 PUBLIC HEARING AND LOCAL ADOPTION REQUIREMENTS

(a) Notice of Public Hearing. The local government shall provide the Executive Secretary of the CRC or his or her designee written notice of the public hearing for local adoption and a copy of the proposed land use plan or comprehensive plan, hereinafter referred to as "the plan", or amendment no less than five business days prior to publication of a public hearing notice. The public hearing notice shall include, as set forth in Rule .0803(a)(2) of this

Section, disclosure of the public's opportunity to provide written comment to the CRC's Executive Secretary or his or her designee following local adoption of the plan.

(b) Final Plan Content. The final plan or amendment shall be adopted by the elected body of each participating local government.

(c) Transmittal to the Division for Certification. The local government shall provide the Executive Secretary of the CRC or his or her designee the locally adopted plan, a certified statement of the local government adoption action, and documentation that it has followed the public hearing process required in G.S. 113A-110.

(d) For joint plans originally adopted by each participating jurisdiction, each government retains its sole and independent authority to make amendments to the plan as it affects its jurisdiction.

History Note: Authority G.S. 113A-107(a); 113A-110; 113A-124;
Eff. August 1, 2002;
Amended Eff. January 1, 2007; February 1, 2006;
Readopted Eff. February 1, 2016;
Amended Eff. February 1, 2019;
Readopted Eff. July 1, 2026.

15A NCAC 07B .0803 CERTIFICATION AND USE OF THE PLAN

(a) Certification of Plans and Amendments: This Rule outlines the certification procedures and conditions for locally adopted land use plans or comprehensive plans, hereinafter referred to as "the plan," or plan amendments. The procedures shall be as follows:

- (1) The Division District Planner shall submit a written report to the CRC, or qualified employee of the Department pursuant to G.S. 113A-124(c)(9), on the locally adopted plan or amendment and either recommend certification or identify how the plan or amendment does not meet the procedures and conditions for certification as set forth in Subparagraph (a)(3) of this Rule.
- (2) The public shall have an opportunity to submit written objections or comments on the locally adopted plan or amendment prior to certification pursuant to G.S. 113A-110(e). Written objections or comments shall be received by the Division no more than 30 calendar days after local adoption of the plan or amendment. Written objections shall be limited to the criteria for certification as defined in Subparagraph (a)(3) of this Rule, and shall identify the specific plan elements that are opposed. Written objections or comments shall be sent by the Division to the local government submitting the plan or amendment. Written objections or comments shall be considered in the certification of the local plan or amendment.
- (3) The CRC or qualified employee of the Department, pursuant to G.S. 113A-124(c)(9),

shall certify plans and amendments following the procedures and conditions specified in this Rule, and that the plans and amendments meet the following conditions:

- (A) are consistent with the Coastal Area Management Act G.S. 113A-110;
 - (B) are consistent with the rules of the CRC;
 - (C) do not violate State or federal law; and
 - (D) contain policies that address each management topic as set forth in Rule .0702(d)(2) of this Subchapter.
- (4) If the plan or amendment does not meet certification requirements, the applicant shall be informed by the Division of Coastal Management within 45 calendar days regarding how the plan or amendment does not meet the procedures and conditions for certification.

(b) Copies of the Plan. Within 90 calendar days of certification of the plan or an amendment, the local government shall provide one printed and one digital copy of the plan to the Division. Amendments shall be incorporated in all copies of the plan. The dates of local adoption, certification, and amendments shall be published on the cover.

(c) Use of the Plan. Once certified, the plan shall be utilized in the review of the CAMA permits in accordance with G.S. 113A-111. Local governments shall have the option to exercise their enforcement responsibility by choosing from the following:

- (1) Local administration: The local government reviews the CAMA permits for consistency with the plan;
- (2) Joint administration: The local government identifies policies, including the future land use map and implementation actions that will be used by the Division for the CAMA permit consistency reviews or;
- (3) Division administration: The Division reviews the CAMA permits for consistency with the plan policies, including the future land use map and implementation actions.

(d) Plan updates and Amendments. Local governments shall determine the scope, timing, and frequency of plan updates and amendments.

History Note: Authority G.S. 113A-107(a); 113A-110; 113-111; 113A-124;

Eff. August 1, 2002;

Amended Eff. April 1, 2008; September 1, 2006;

Readopted Eff. February 1, 2016;

Amended Eff. February 1, 2019;

Readopted Eff. July 1, 2026.

15A NCAC 07B .0804 REQUIRED PERIODIC IMPLEMENTATION STATUS REPORTS

Jurisdictions with a locally adopted and certified land use plan shall submit an Implementation Status Report to the Division of Coastal Management every two years from the date of initial certification by the CRC. This report shall be based on implementation actions that meet the CRC's Management Topic

goals and objectives, as indicated in the action plan pursuant to Rule .0702(e)(3) of this Subchapter. The Implementation Status Report shall also identify:

- (1) All local, state, federal, and joint actions that have been undertaken successfully to implement its certified land use plan;
- (2) Any actions that have been delayed and the reasons for the delays;
- (3) Any unforeseen land use issues that have arisen since certification of the land use plan; and
- (4) Consistency of existing land use and development ordinances with current land use plan policies.

History Note: Authority G.S. 113A-106; 113A-107;

Eff. February 1, 2016;

Readopted July 1, 2026.

SUBCHAPTER 06C PUBLIC SCHOOL PERSONNEL

SECTION .0100 - QUALIFICATIONS OF PUBLIC SCHOOL PERSONNEL

16 NCAC 06C .0101 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Fiscal year" means a calendar year beginning on July 1 of one year and ending on June 30 of the following year.
- (2) "Full-time employee" means a person employed by a local board of education for the number of hours per week that the local board considers full-time for the position in which the person is employed, but no less than 30 hours per week.
- (3) "License" means a professional educator license issued by the State Board of Education in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.
- (4) "Part-time employee" means a person employed for at least 20 hours per week but fewer than the number of hours per week of a full-time employee in the same position classification.
- (5) "Permanent employee" means a person who is employed by a local board of education either:
 - (a) In a position that the local board intends to be permanent; or
 - (b) To replace one or more permanent employees who are on a leave of absence or to fill a vacancy until a qualified permanent employee is hired, provided the employee is employed for at least six full consecutive months.

A permanent employee shall not lose permanent status during any period of temporary or interim assignment to another position in the same local school administrative

- unit, provided the local board of education anticipates returning the employee to a permanent position.
- (6) "SACSCOC" means the Southern Association of Colleges and Schools Commission on Colleges.
- (7) "State Salary Schedule" means the salary schedule for teachers and other public school personnel administered by the State Board of Education in accordance with G.S. 115C-12(9)a. and 115C-12(16).
- (8) "Teacher" is defined in G.S. 115C-270.1(5).
- (9) "Temporary employee" means a person who is employed to fill a vacancy and is either:
 - (a) Working fewer than 20 hours per week; or
 - (b) Employed for fewer than six full consecutive months.

History Note: Authority G.S. 115C-12; 115C-269.1; 115C-270.1; 115C-284.1;
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;
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;
Readopted Eff. July 1, 2026.

SECTION .0400 – SALARIES AND BENEFITS

16 NCAC 06C .0401 DEFINITIONS

As used in this Section, the following definitions shall apply:

- (1) "Career employee" is defined in G.S. 115C-325(a)(1a).
- (2) "Creditable service" is defined in G.S. 135-1(8).
- (3) "Disability benefits" means benefits received under Chapter 135, Article 6 of the General Statutes.
- (4) "Full-time employee" means a person employed by a local board of education for the number of hours per week that the local board considers full-time for the position in which the person is employed, but no less than 30 hours per week.
- (5) "Immediate family member" means a spouse, parent, child, grandchild, brother, sister, half-sibling, step-sibling, or dependent living in the employee's household. The term applies to any such relationship whether by blood, adoption, or marriage.
- (6) "Instructional personnel" includes any of the following:
 - (a) Teachers, as defined in Item (13) of this Rule;
 - (b) Student services personnel, as classified by 16 NCAC 06C .0306.

- (7) "Interim employee" means a person employed temporarily to replace an employee who is on leave without pay but is expected to return to work.
 - (8) "Part-time employee" means a person employed for at least 20 hours per week but fewer than the number of hours per week of a full-time employee in the same position classification.
 - (9) "Permanent employee" means a person who is employed by a local board of education either:
 - (a) In a permanent position; or
 - (b) To replace one or more permanent employees who are on a leave of absence or to fill a vacancy until a qualified permanent employee is hired, provided the employee is employed for at least six full consecutive months.
- A permanent employee shall not lose permanent status during any period of temporary or interim assignment to another position in the same local school administrative unit, provided the local board of education anticipates returning the employee to a permanent position.
- (10) "Retirement" is defined in G.S. 135-1(20).
 - (11) "School year" means either:
 - (a) For a year-round school, as defined in G.S. 115-84.2(f)(5), a calendar year beginning on July 1 of one year and ending on June 30 of the following year.
 - (b) For a traditional school with a summer break, the time between the opening and closing date for the local school administrative unit, as established by the local board of education pursuant to G.S. 115C-84.2.
 - (12) "Substitute employee" or "substitute" means a person employed to fulfill the duties of a permanent employee on a temporary basis while the permanent employee is on paid leave.
 - (13) "Teacher" means a permanent employee of a local board of education:
 - (a) Whose major responsibility is classroom teaching; and
 - (b) Who holds a current professional educator license.
 - (14) "Temporary employee" means a person who is employed to fill a vacancy and is either:
 - (a) Working fewer than 20 hours per week; or
 - (b) Employed for fewer than six full consecutive months.
 - (15) "Workers' compensation" means compensation received under Chapter 97, Article 1 of the General Statutes.

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;
Readopted Eff. July 1, 2026.

16 NCAC 06C .0402 SICK LEAVE

(a) This Rule shall govern the use of sick leave by employees of a local board of education ("local board") pursuant to G.S. 115C-336. The local board may adopt additional policies to govern the use of sick leave, provided they are consistent with this Rule.

(b) Eligibility for Sick Leave

- (1) A permanent full-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers' compensation) for at least one-half of the workdays in a calendar month shall earn either:
 - (A) One day of sick leave per month; or
 - (B) The number of hours in sick leave per month that is equivalent to the number of hours in a workday for a permanent full-time employee in that position classification, up to a maximum of eight hours.
- (2) A permanent part-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers' compensation) for at least one-half of the workdays in a calendar month shall earn sick leave on a pro rata basis relative to the amount of leave earned by a permanent full-time employee in the same position classification. A permanent part-time employee who was previously employed in a full-time position shall retain any sick leave earned in the full-time position upon transferring to the part-time position.
- (3) An employee may accumulate unused sick leave from year to year without limit.
- (4) An employee who is not eligible to earn sick leave may not use previously accumulated sick leave.

(c) Use of Sick Leave

- (1) A permanent employee may use sick leave for any of the following purposes:
 - (A) Personal illness or injury that renders the employee unable to perform the employee's professional duties.
 - (B) Personal medical appointments of the employee.
 - (C) Caretaking for a newborn child or child placed with the employee for adoption or foster care, subject to the requirements of G.S. 115C-336.1.

- (D) Caretaking for an immediate family member due to the family member's illness or injury, including taking the family member to medical appointments.
- (E) Death of an immediate family member.

- (2) The employee shall provide advanced notice to the administrative unit ("LSAU") of the employee's intent to use paid sick leave for elective medical procedures or childbirth, in accordance with policies adopted by the local board of education. When possible, the employee shall provide notice at least 30 days in advance.
- (3) The employee shall, upon the request of the local superintendent or designee, provide medical documentation to verify that the employee's use of sick leave is for a permissible purpose.
- (4) The employee shall not use sick leave for paid holidays, days for which the employee was previously scheduled to use vacation leave, or days in which the employee is on leave without pay. Any period of absence for which the employee is receiving workers' compensation is not considered leave without pay.

(d) An LSAU may advance sick leave to an employee based on the amount of sick leave the employee is anticipated to earn in the remainder of the current fiscal year, provided that the LSAU shall assume financial responsibility for any advanced sick leave not earned at the time the employee separates from employment or at the end of the fiscal year, whichever is earlier.

(e) An employee is not entitled to compensation for accumulated sick leave, except as permitted by the North Carolina Teachers and State Employees Retirement System.

(f) Separation from Employment

- (1) If an employee separates from employment with a local board or transfers to a temporary employee position, the employee shall retain the employee's accrued sick leave balance for 60 months.
- (2) If the employee returns to employment in a full-time or part-time permanent position with a local board within 60 months, the employee shall regain access to the accumulated sick leave.
- (3) If the individual was employed on a 10-month contract at the time of separation, the employee shall retain the leave for 63 months, provided the person returns to employment on another 10-month contract.

(g) Transfer of Sick Leave

- (1) An employee may transfer accumulated sick leave from one LSAU to another LSAU upon transfer of employment, provided that any variance in the number of working hours per day that is considered "full-time" between the new position and the previous position shall not

result in an increase or decrease in the total number of sick leave days available as a result of the transfer. To calculate the equitable value of the transferred leave:

- (A) The sending LSAU shall divide the total number of hours of accumulated sick leave by the number of working hours per day that is considered "full-time" in the departing employee's previous position. This generates a total number of sick leave days available for transfer to the receiving LSAU.
- (B) The receiving LSAU shall then multiply the number of transferred sick leave days by the number of working hours per day that is considered "full-time" in the incoming employee's previous position. This generates the total number of sick leave hours available for use by the employee in the new position.

- (2) An employee may transfer accumulated sick leave to a State agency or any of the entities listed in 25 NCAC 01E .0309 upon transfer of employment to such agency or entity, if the agency or entity is willing to accept the leave. A person employed by the agency or entity may transfer accumulated sick leave to an LSAU upon transfer of employment to such LSAU if such LSAU is willing to accept the leave and, consistent with Subparagraph (g)(1) of this Rule, any variance in the number of working hours per day that is considered "full-time" between the new position with the LSAU and the previous position with the agency or entity shall not result in an increase or decrease in the total number of leave days available as a result of the transfer.

- (3) An employee may only transfer accumulated sick leave from one leave-earning position to another leave-earning position, even if the new position is within the same local school administrative unit.

(h) Extended Sick Leave

- (1) Full-time teachers and instructional personnel may request extended sick leave.
- (2) To qualify for extended sick leave, the employee must:
 - (A) Be absent due to personal illness or injury that renders the employee unable to perform the employee's professional duties;
 - (B) Require a substitute employee; and
 - (C) Have exhausted all other available paid leave except personal leave under G.S. 115C-302.1(d).
- (3) A qualified employee is entitled to up to 20 days of extended sick leave per school year.

- (4) The employee shall, upon the request of the local superintendent or designee, provide medical documentation to verify that the employee's use of extended sick leave is for a permissible purpose.
- (5) Unused extended sick leave days shall not accumulate from year to year.
- (6) Extended sick leave shall not be available beyond the mandatory waiting period for workers' compensation or short-term disability benefits.

(i) Use of Vacation Leave for Catastrophic Illness

- (1) If an employee who requires a substitute employee is unable to perform the employee's professional duties due to a catastrophic personal illness and has exhausted the employee's available sick leave, the employee may use vacation leave for days in which students are in attendance.
- (2) The local superintendent or designee shall determine whether a condition constitutes a catastrophic personal illness based on an evaluation of the following factors:
 - (A) The debilitating nature of the condition;
 - (B) The life-threatening potential of the condition;
 - (C) The monetary hardship incurred by the employee because of the condition;
 - (D) The anticipated length of the employee's absence due to the condition; and
 - (E) Other forms of relief available to the employee, such as disability benefits.

History Note: Authority G.S. 115C-12(8); 115C-336; 115C-336.1; 126-5; 135-1; 135-4; 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; Readopted Eff. July 1, 2026.

16 NCAC 06C .0403 SUBSTITUTE EMPLOYEES

(a) Each local school administrative unit ("LSAU") shall employ all substitute employees that the local superintendent or designee deems necessary for the efficient operation of the LSAU, subject to the requirements of this Rule.

(b) Substitute Teachers

- (1) The LSAU shall, to the extent feasible, hire licensed teachers to serve as substitute teachers.
- (2) The LSAU shall employ substitute teachers in units of half or whole days.
- (3) If the LSAU employs a teacher assistant as a substitute, the LSAU shall pay the substitute an amount equivalent to the daily salary rate for a first-year teacher with a bachelor-level teaching license.

- (4) The minimum pay rate for a substitute teacher who holds a current North Carolina teaching license shall be at least 65 percent of the daily pay rate of a licensed first-year teacher with a bachelor-level teaching license.
- (5) The minimum pay for a substitute teacher who does not hold a current North Carolina teaching license shall be at least 50 percent of the daily pay rate of a licensed first-year teacher with a bachelor-level teaching license but shall not exceed the minimum pay of a substitute teacher who holds such a license.
- (6) If a teacher takes extended sick leave under 16 NCAC 06C .0402(h), the LSAU shall deduct fifty dollars (\$50.00) per day from the teacher's salary, regardless of whether the LSAU hires a substitute teacher.
- (7) The LSAU shall pay the substitute teacher from the same source of funds (local, state, or federal) as the regular teacher, unless otherwise specified by this Section.
- (8) A substitute teacher shall be considered a long-term substitute if employed for at least 30 hours per week for an anticipated duration of at least six months. A long-term substitute teacher is not an interim employee and is entitled to the same benefits as permanent full-time employees if the substitute otherwise meets the eligibility requirements for those benefits.

(c) Other Substitute Employees

- (1) The local superintendent shall determine the need to hire a substitute employee for a school counselor, assistant principal, principal, or other administrator who does not have teaching responsibilities; or for non-licensed employees such as school nurses, custodians, or clerical staff.
- (2) The LSAU shall pay for any substitute employee hired to replace such an employee from local funds.
- (3) The LSAU may temporarily assigns a teacher to fulfill the duties of a principal who is on sick leave for at least 10 days. Under such circumstances, the LSAU shall not deduct any money from the teacher's salary to pay for a substitute teacher for the teacher's regular classroom.

(d) An LSAU may employ a licensed teacher to fill a teacher vacancy of at least 10 days but less than six months if the teacher is licensed in the same license area. Unless the teacher requests to be employed as a substitute, the LSAU shall pay the teacher at the teacher's eligible rate on the State salary schedule, but the teacher shall not be entitled to benefits.

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; Readopted Eff. July 1, 2026.

16 NCAC 06C .0404 LEAVE WITH PAY

(a) A local school administrative unit ("LSAU") shall provide permanent employees with leave with pay under the circumstances set forth in this Rule.

(b) Except where otherwise provided below, the LSAU shall pay any substitute employee hired to fulfill the duties of an employee on leave with pay from the same funding source as the employee taking the leave.

(c) The LSAU shall not deduct from a permanent employee's salary if the employee is absent from the employee's regularly scheduled duties for any of the following reasons:

- (1) The employee is on sick leave in accordance with Rule .0402 of this Section.
- (2) The employee's supervisor has granted the employee leave to represent the school or LSAU at a community event. The LSAU shall pay any substitute employee hired under these circumstances from local funds.
- (3) The employee is attending meetings or performing duties as a member of the State Board of Education; the State Textbook Commission; the Board of Governors of the North Carolina Governor's School; or a commission or committee appointed by the Governor, the Superintendent of Public Instruction, the State Board of Education, or the General Assembly.
- (4) The employee is summoned to jury duty, or is required to attend court, a deposition, or other legal proceeding in connection with the employee's official duties or in response to a subpoena or court order to testify as a witness to a crime. If the employee is required to attend court as a plaintiff, defendant, or witness in relation to a personal matter, whether or not in response to a subpoena or court order, the employee must use available leave time. The employee shall return to the LSAU any fees, other than travel reimbursement or per diem, that the employee earns from serving as a witness in connection with the employee's official duties.
- (5) The local superintendent assigns the employee to attend professional training or participate in another school program outside the employee's regular duties. The LSAU shall pay any substitute employee hired under these circumstances from local funds.
- (6) The local superintendent or designee has suspended the employee with pay under G.S. 115C-325(f1) or 115C-325.5. The LSAU shall pay any substitute employee hired to cover for the suspended employee a salary based on the substitute's qualifications under Section .0300 of this Subchapter.
- (7) The employee is on military leave with pay in accordance with 25 NCAC 01E .0802-.0821.
- (8) The employee suffers an injury or disability that is covered by G.S. 115C-338.

- (9) The employee requests leave to observe a bona fide religious holiday, provided the employee is permitted no more than two such observance days in one school year. The employee shall use available vacation leave, subject to the requirements of Rule .0409 of this Section, use personal leave, subject to the requirements of G.S. 115C-302.1(d), or make up the time absent from work at a time and under circumstances approved by the employee's supervisor. The employee shall not request such leave time on days that are already scheduled as vacation days or paid holidays in the school calendar.
- (10) Upon recommendation of the local 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 while the employee is on leave. During such leave time, the employee shall earn sick leave, vacation leave, personal leave, and paid holidays.

History Note: Authority G.S. 115C-12(8); 115C-300; 115C-302.1; 115C-325; 115C-325.5; 115C-338; 115C-408; Eff. July 1, 1986; Amended Eff. July 1, 2001; March 1, 1990; August 1, 1987; Readopted Eff. July 1, 2026.

16 NCAC 06C .0405 LEAVE WITHOUT PAY

(a) A local school administrative unit shall allow leaves of absence without pay for permanent employees under the following circumstances:

- (1) The employee is on military leave without pay in accordance with 25 NCAC 01E .0802-.0821.
- (2) The employee gives birth to or adopts a child. The employee may take up to 12 months of leave without pay, beginning on the date of the birth or finalization of the adoption. This provision is in addition to any paid parental leave to which the employee may be entitled under Rule .0408 of this Section.
- (3) Other such circumstances deemed appropriate by the local superintendent or designee in accordance with policies adopted by the local board of education.

(b) The employee shall provide advanced notice to the LSAU of the employee's request for a leave of absence, in accordance with policies adopted by the local board of education.

(c) The LSAU shall determine the start and end dates for a leave of absence, except for military leave without pay.

(d) The LSAU may provide a leave of absence to allow the employee to pursue an educational degree or other credential but shall not use state funds to pay any substitute employee hired to fulfill the duties of the absent employee.

History Note: Authority G.S. 115C-12(8); 115C-336.1; 115C-408; 126-8.6; Eff. July 1, 1986;

*Amended Eff. March 1, 1990;
Readopted Eff. July 1, 2026.*

16 NCAC 06C .0406 MILITARY LEAVE

(a) As used in this Rule, the following definitions shall apply:

- (1) "Active duty" is defined in 10 U.S.C. 101(d)(1).
- (2) "Armed forces" is defined in 10 U.S.C. 101(a)(4).
- (3) "Extended active duty" is defined in 26 U.S.C. 32(c)(4).
- (4) "Military orders" is defined in 50 U.S.C. 3955(i)(1).
- (5) "Military service" is defined in 50 U.S.C. 3911(2).
- (6) "Reserve component" is defined in 38 U.S.C. 101(27).

(b) This Rule shall govern the use of military leave by employees of all public school units ("PSUs") pursuant to G.S. 115C-302.1(g1), G.S. 127A-116, and the Uniformed Services Employment and Reemployment Rights Act of 1994, 103 P.L. 353. Each PSU shall ensure that an employee does not suffer loss of regular pay or benefits because of training or duty in service of the Armed Forces of the United States or the State of North Carolina, or for special emergency services. The governing body of a PSU may adopt additional policies to govern the use of military leave, provided they are consistent with this Rule. To the extent any provisions of this Rule conflict with federal law, the federal law shall control. The provisions of Subchapter II of Chapter 43 of Title 38 of the United States Code are incorporated by reference throughout this Rule, including subsequent amendments and editions thereof. A copy of these statutes is available at no cost from <https://www.govinfo.gov/content/pkg/USCODE-2011-title38/pdf/USCODE-2011-title38-partIII-chap43.pdf>.

(c) Paid Short-Term Military Leave

- (1) A PSU shall grant paid short-term military leave to employees who are members of any of the following military services:
 - (A) The reserve components of the United States Armed Forces.
 - (B) The Civil Air Patrol, when participating in missions or training exercises that are authorized by the Governor, the Secretary of the Department of Public Safety, or the United States Air Force. Such employees are not entitled to leave for regularly scheduled unit training assemblies.
 - (C) The North Carolina State Defense Militia, when called to service by the Governor for infrequent special activities in the interest of the State (usually not exceeding one day) or for missions related to disaster recovery, search and rescue, or similar efforts. Such employees are not entitled to leave for regularly scheduled unit training assemblies or when

- volunteering in support of activities sponsored by civic or social organizations.
- (2) A qualified employee is entitled to up to 15 days of paid short-term military leave each fiscal year.
 - (3) Any portion of the vacation leave or 15 days of paid short-term military leave to which an employee may be entitled may be used in lieu of or in conjunction with unpaid military leave for attendance at any of the following:
 - (A) A military service academy.
 - (B) Active duty training with a reserve component.
 - (4) In addition to the 15 days provided by Subparagraph (c)(2) of this Rule, an employee who is a member of the National Guard is entitled to leave for activities in service of the State when so authorized by the Governor or the Governor's designee.
 - (5) An employee is not entitled to short-term military leave for any of the following:
 - (A) Duties imposed on the employee as a result of disciplinary action under the Uniform Code of Military Justice.
 - (B) Inactive duty training (drills) undertaken for the convenience of the employee, such as equivalent training, split-unit assemblies, or make-up drills.
 - (C) Unscheduled or incidental activities related to membership in the reserves, such as volunteer work at military facilities.
- (d) An employee shall provide the PSU with advanced notice of the need for military leave and shall apply for reinstatement of employment for any leave of absence exceeding 30 consecutive calendar days.
- (e) Unpaid Military Leave for Extended Active Duty
- (1) A PSU shall grant unpaid military leave for extended active duty to an employee who enters active duty in service of the United States Armed Forces for a period exceeding 30 consecutive calendar days. The employer shall notify the employee of all rights and benefits concerning military leave at the time of the employee's hire or enlistment in the Armed Forces, whichever is later.
 - (2) An employee may use available paid short-term military leave at the beginning of a period of extended active duty.
 - (3) In addition to time spent on active duty, an employee may use unpaid military leave for any of the following reasons:
 - (A) A personal adjustment period while awaiting entry into active duty, not to exceed 30 days.
 - (B) Any period during which the employee is awaiting reinstatement in the employee's previous position following military service.
- (C) Involuntary extended military service.
 - (D) Extensions of enlistment due to hospitalization as a result of military service.
- (4) During a time of military leave for extended active duty, an employee shall continue to earn years of service as calculated for salary increases. The employee shall retain all accumulated sick leave during the absence. The employee may choose to retain all accumulated vacation leave during the absence or obtain a payout at the time the leave begins, subject to the limitations of 16 NCAC 06C .0409(d).
 - (5) An employee seeking to return to work with the PSU after extended active duty shall apply for reinstatement within 14 days following active duty service of 30 to 180 days or within 90 days following active duty service of more than 180 days, provided the employer gave prior notice to the employee of the employee's right to re-employment under this Rule and 38 U.S.C. 4316. If the employer failed to give prior notice, the employee may apply within 90 days of receipt of notice. Upon such application, the PSU shall reinstate the employee to a position of equivalent status, seniority, and pay to the position vacated at the time the employee took leave. If the employee is disabled due to military service to the extent that the employee cannot perform the duties of the original position, the PSU shall assign the employee to a position with appropriate accommodations.
- (f) If the employee has exhausted paid short-term military leave and all other available paid leave, and the employee's military service pay is less than what the employee would earn with the PSU during the equivalent time period, the employee shall be eligible for differential pay. The employee shall provide the PSU with a military pay voucher or other documentation to prove the pay differential.
- (A) A PSU shall pay any pay differential for employees in State-funded positions using State funds.
 - (B) A PSU shall pay any differential for employees in federally-funded positions using federal funds.
 - (C) A local board of education shall pay any pay differential for employees in locally funded positions using local funds.
 - (D) A charter school shall pay any pay differential for its employees.
 - (E) A local board of education shall include any local supplement as part of the pay differential.
- (g) An employee shall provide the PSU, upon request, with a copy of the military orders or other documentation of the required military duty or service.

History Note: Authority G.S. 115C-302.1(g1); 127A-116; 38 U.S.C. 4316; Eff. December 1, 2004; Readopted Eff. July 1, 2026.

16 NCAC 06C .0409 VACATION LEAVE

(a) In addition to the relevant provisions of Articles 18, 19, 20, 21, and 23 of Chapter 115C of the General Statutes, this Rule shall govern the use of vacation leave by employees of a local board of education ("local board"). The local board may adopt additional policies to govern the use of vacation leave, provided they are consistent with this Rule. Except where otherwise indicated below, "employee" shall include the following:

- (1) Superintendents, as provided by G.S. 115C-272.
- (2) Principals and Supervisors, as provided by G.S. 115C-285.
- (3) Teachers and other instructional personnel, as provided by G.S. 115C-302.1.
- (4) Other public school employees, as provided by G.S. 115C-316.

(b) Eligibility for Vacation Leave

- (1) A permanent full-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers compensation) for at least one half of the workdays in a calendar month shall earn vacation leave based on the employee's length of total state service, as defined in 25 NCAC 01D .0112. The employee shall accrue vacation leave at the same rate as State employees, as set forth in 25 NCAC 01E .0203, subject to the limitations in Subparagraph (b)(3) of this Rule.
- (2) A permanent part-time employee who works or is on paid leave (including State holidays and days for which the employee is receiving workers compensation) for at least one half of the workdays in a calendar month shall earn vacation leave on a pro rata basis relative to the amount of leave earned by a permanent full-time employee in the same position classification. A person employed in two or more positions may not earn more leave than that earned by a permanent full-time employee.
- (3) The local school administrative unit ("LSAU") shall establish the required daily and weekly work hours for each permanent employee. If a permanent full-time employee works fewer than 40 hours per week, the employee shall earn a percentage of the relevant vacation leave accrual rate that is equivalent to the weekly work hours for the employee as a percentage of a standard 40-hour work week. For example, if the employee works 35 hours per week, or 87.5 percent of a 40-hour work week, then the employee would earn leave at 87.5 percent of the monthly and annual accrual rates listed in Paragraph (a) of this Rule.

(4) An employee who is not eligible to earn vacation leave may not use previously accumulated vacation leave.

(5) A school bus driver who works fewer than 20 hours per week and is not otherwise entitled to earn vacation leave under this Rule shall earn one vacation day (equal in hours to the number of hours in the driver's regular workday) per year if the driver:

(A) Is employed to drive a regular daily route (i.e., is not a substitute driver); and

(B) Was employed as a regular driver during the entire previous school year.

A driver who is dismissed by the local board or resigns before taking the vacation leave day provided by this Subparagraph shall not receive compensation for that day.

(c) Use of Vacation Leave

(1) For teachers and instructional personnel who work 10 months per year, the employee must use the first 10 days of accrued available vacation leave each year on days designated by the local board as vacation days in accordance with G.S. 115C- 302.1(c),

(2) A classroom teacher, school media coordinator, or teacher assistant shall not use vacation leave on days in which students are scheduled to be in attendance if the employee would require a substitute, unless the employee:

(A) Does not earn personal leave under G.S. 115C-302.1(d);

(B) Is using the vacation leave to care for a newborn child or a child placed with the employee for adoption or foster care under G.S. 115C-302.1(j); or

(C) Is using the vacation leave for catastrophic illness under 16 NCAC 06C .0402(i).

(3) An employee who earned vacation leave during the school year, as defined in 16 NCAC 06C .0401(11)(b), shall continue to earn vacation leave during the summer break if the employee works at least 20 hours per week for the same local school administrative unit. If the employee works less than full-time, the employee shall earn leave on a pro rata basis consistent with Subparagraph (a)(2) of this Rule.

(4) An employee who is not eligible to earn vacation leave may not use previously accumulated vacation leave.

(d) An LSAU may advance vacation leave to an employee based on the amount of leave the employee is anticipated to earn in the remainder of the current fiscal year, provided that the LSAU shall assume financial responsibility for any advanced leave not earned at the time the employee separates from employment or at the end of the fiscal year, whichever is earlier.

(e) Except as provided by Paragraph (f) of this Rule, when an employee separates from employment with an LSAU, the LSAU shall pay the employee a lump sum for accumulated vacation leave. The payout shall be calculated using the daily rate of pay based on the employee's salary at the time of separation and shall not exceed the equivalent pay of 30 days. In the case of a deceased employee, the LSAU shall pay the lump sum to the administrator or executor of the deceased employee's estate upon receipt of a valid probate claim.

(f) Transfer of Vacation Leave

(1) An employee may transfer accumulated vacation leave from one LSAU to another LSAU upon transfer of employment, provided that any variance in the number of working hours per day that is considered "full-time" between the new position and the previous position shall not result in an increase or decrease in the total number of vacation leave days available as a result of the transfer. To calculate the equitable value of the transferred leave:

(A) The sending LSAU shall divide the total number of hours of accumulated vacation leave by the number of working hours per day that is considered "full-time" for the departing employee's previous position. This generates a total number of vacation leave days available for transfer to the receiving LSAU.

(B) The receiving LSAU shall then multiply the number of transferred vacation leave days by the number of working hours per day that is considered "full-time" for the incoming employee's new position. This generates the total number of vacation leave hours available for use by the employee in the new position.

(2) An employee may transfer accumulated vacation leave to a State agency or any of the entities listed in 25 NCAC 01E .0309 upon transfer of employment to such agency or entity, if the agency or entity is willing to accept the leave. If the agency or entity is unwilling to accept the leave, the LSAU shall pay the employee for the accumulated leave, up to a maximum of 30 days.

(3) A person employed by such agency or entity may transfer accumulated vacation leave to an LSAU upon transfer of employment to such LSAU if such LSAU is willing to accept the leave and, consistent with Subparagraph (f)(1), any variance in the number of working hours per day that is considered "full-time" between the new position with the LSAU and the previous position with the agency or entity shall not result in an increase or decrease in the total

number of leave days available as a result of the transfer.

(4) If, within 31 days of separation from employment with an LSAU, an employee obtains employment with another LSAU or a State agency or entity willing to accept transferred vacation leave, the original LSAU shall transfer any accumulated vacation leave to the new employer in lieu of paying the employee for the leave.

(5) An employee may only transfer accumulated vacation leave from one leave-earning position to another leave-earning position, even if the new position is within the same LSAU.

(g) This Rule shall also govern any bonus vacation leave awarded to an employee pursuant to S.L. 2002-126, Section 28.3A (as amended by S.L. 2002-159, Section 82); S.L. 2003-284, Section 30.12B; or S.L. 2005-276, Section 29.14A, except that the employee shall maintain the leave from year-to-year until it is used or paid out upon separation from employment. Each LSAU shall track bonus vacation leave separately from otherwise earned vacation leave and shall not include it in the 30 days calculated under Paragraph (e) of this Rule.

(h) Each LSAU shall maintain leave records for each of its employees. The LSAU shall inform each employee of the employees leave balances at least once per fiscal year. The LSAU shall retain employee leave records for at least five years from the date of the employee's separation.

History Note: Authority G.S. 115C-12(8),(9),(16); 115C-272; 115C-285; 115C-302.1; 115C-316; 115C-408; S.L. 1997-443, s. 8.6;

Eff. July 1, 2026.

16 NCAC 06C .0411 SICK LEAVE BANKS

(a) As used in this Rule, the following definitions shall apply:

(1) "Donor" means an employee donating sick leave to a sick leave bank.

(2) "Eligible recipient" means an employee withdrawing donated sick leave from a sick leave bank who meets the requirements of Paragraph (d) of this Rule.

(3) "Participant" means all donors and recipients participating in the sick leave bank.

(b) A local board of education ("local board") may establish a voluntary shared sick leave bank ("sick leave bank") for its employees, subject to the requirements of this Rule.

(c) Donors

(1) A full-time or part-time permanent employee may donate sick leave to the sick leave bank.

(2) A donor shall not, by donating sick leave, reduce their balance of accumulated sick leave time to less than half the amount of leave time that employee would otherwise earn in a school year.

(3) A donor shall not receive any form of compensation for donated sick leave.

(4) The minimum donation of sick leave shall be one half-day.

(d) Eligible Recipients

- (1) Eligibility to withdraw sick leave from the sick leave bank shall be limited to full-time and part-time permanent employees who:
 - (A) Have a serious medical condition that renders the employee unable to perform the employee's professional duties for a prolonged period, or has an immediate family member with such a condition who requires the employee's continuous supervision and care; and
 - (B) Have exhausted all other available paid leave except personal leave available under G.S. 115C-302.1(d) and extended sick leave available under 16 NCAC 06C .0402(l).
- (2) An employee cannot withdraw sick leave from the sick leave bank for work time for which the employee is receiving disability benefits or workers' compensation benefits.
- (3) To withdraw sick leave, an eligible recipient must provide the local school administrative unit ("LSAU") with:
 - (A) Medical documentation of the serious medical condition, signed by the employee or family member's treating physician; and
 - (B) An authorization for the treating physician or medical provider to release to the LSAU medical information related to the serious medical condition. The release shall be signed by the employee or immediate family member, or by that person's legal guardian or health care power of attorney.
- (4) The local superintendent or designee shall approve or deny each request to withdraw sick leave from the sick leave bank. The local superintendent or designee shall determine how many days of sick leave the recipient may withdraw, provided that the employee may withdraw sick leave for the same condition for more than twelve months from the initial date that the employee used donated leave.
- (5) Donated sick leave shall be credited toward the recipient's sick leave balance but shall not count as creditable service toward retirement.

(e) The LSAU shall notify participants of any effect of participation in the sick leave bank on retirement.

(f) The local board shall adopt a policy to govern the sick leave bank and shall direct the LSAU to adopt rules and regulations to implement that policy. In addition to the requirements above, these policies, rules, and regulations may address the following:

- (1) Requirements of minimum service to the LSAU and accumulation of a minimum balance of sick leave before an employee may participate in the sick leave bank.

- (2) A waiting period before an employee is eligible to withdraw sick leave.
- (3) Enrollment periods for current employees and new hires.
- (4) Time limits for rejoining the sick leave bank after leaving the bank.
- (5) Limitations on the number of days that can be withdrawn from the sick leave bank by any recipient.
- (6) A uniform number of days to be contributed to the bank by donors.

(g) The LSAU shall report the following information the State Board of Education ("SBE") by July 1st of each year:

- (1) The number of participants in the sick leave bank, itemized by position classification.
- (2) The number of sick days withdrawn from the sick leave bank.
- (3) The total cost of the withdrawn sick leave.
- (4) Any other data requested by the SBE to ensure compliance with this Rule and other state and federal financial rules.

History Note: Authority G.S. 115C-12(8); 115C-336(b); Eff. July 1, 2026.

16 NCAC 06D .0106 ENGLISH LEARNER PROGRAMS

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

- (1) "Annual testing program" is defined in 16 NCAC 06D .0307(c).
- (2) "Caregiver" means a parent, custodian, legal guardian, or other person having formal or informal responsibility for the care and education of an English learner. "Caregiver" does not include employees of the public school system acting in their professional capacities.
- (3) "English language proficiency assessment" means the diagnostic test approved by the State Board of Education and administered to an English learner to evaluate the English learner's achievement and progress in English language development. The approved test is the WIDA ACCESS.
- (4) "English language proficiency alternative assessment" means the diagnostic test approved by the State Board of Education and administered to an English learner who has been identified as a child with a disability, as defined in G.S. 115C-106.3(1), and has a significant cognitive disability to evaluate the English learner's achievement and progress in English language development. The approved test is the WIDA Alternate ACCESS.
- (5) "English language proficiency screener" means the diagnostic test approved by the State Board of Education and administered to a student to determine if the student is an English learner.

The approved tests are the WIDA Screener and WIDA Screener for Kindergarten.

- (6) "English language proficiency alternative screener" means the diagnostic test approved by the State Board of Education and administered to a student who has been identified as a child with a disability, as defined in G.S. 115C-106.3(1), and has a significant cognitive disability to determine if the student is an English learner. The approved test is the WIDA Alternate Screener.
- (7) "English learner" is defined in 20 U.S.C. 7801(20).
- (8) "English learner plan" means a comprehensive document, unique to each English learner, that outlines how the public school unit will support the English learner's English language development and access to grade-level academic content. The plan shall include key information such as the English learner's identification, English proficiency level, language development goals, instructional services, testing accommodations, and parent or caregiver notifications.
- (9) "Home language survey" means one or more questions posed to a student and the student's caregiver(s) upon the student's initial enrollment in a public school unit ("PSU") to determine the language or languages spoken in the home.
- (10) "Language instruction educational program" or "LIEP" is defined in 20 U.S.C. 7011(7).

(b) Upon a student's initial enrollment in a North Carolina public school unit ("PSU"), the PSU shall administer a home language survey and maintain the results of that survey in the student's educational record. If a student has been previously enrolled in another North Carolina PSU, the enrolling PSU shall use the results of the previous survey. The home language survey shall collect at least the following information:

- (1) The student's name.
- (2) The student's date of birth.
- (3) The student's current grade.
- (4) The name of the student's parent(s) or caregiver(s).
- (5) The telephone number of the parent(s) or caregiver(s).
- (6) The primary language used in the student's home, regardless of the language spoken by the student.
- (7) The language the student speaks most often.
- (8) The first language the student learned to speak.
- (9) If the student has attended any other primary or secondary school in the United States:
 - (A) The state, territory, or federal district in which the student attended school;
 - (B) The name of the PSU the student attended, if the student attended another PSU in North Carolina; and

- (C) The years that the student attended each school.

(c) The PSU shall take the following steps within 30 days of a student's enrollment:

- (1) The PSU shall investigate the English language skills of the student if the home language survey indicates that:
 - (A) The student's first language is other than English;
 - (B) The student's primary language is other than English; or
 - (C) The student most often speaks a language other than English.
- (2) Based on this investigation, the PSU shall determine whether the student's English language skills will impair the student's ability to access academic content.
- (3) The PSU shall administer one of the following English language proficiency screeners:
 - (A) The WIDA Screener for Kindergarten, if the student is in the first semester of Kindergarten;
 - (B) The WIDA Screener, if the student is in the second semester of Kindergarten or in Grade 1 through Grade 12; or
 - (C) The WIDA Alternate Screener, if the student is identified as a child with a disability.
- (4) The PSU shall designate a student as an English learner if the student scores the following on the applicable English language proficiency screener:
 - (A) Below a 4.5 overall (listening, speaking, reading, and writing) composite score on the WIDA Screener;
 - (B) Below a 4.5 oral language (listening and speaking) composite score on the WIDA Screener for Kindergarten; or
 - (C) Below a 3.0 on the WIDA Alternate Screener.
- (5) Once a student is identified as an English learner, the PSU shall enroll the student in a language instructional educational program that will best enable the student to:
 - (A) Increase English language proficiency; and
 - (B) Access academic content and curriculum.
- (d) Each English learner shall participate in the annual testing program using one of the following methods of test administration:
 - (1) The standard test administration provided to non-English learners.
 - (2) The standard test administration with accommodations identified in the English learner plan, if the English learner scored below

Level 5.0 Bridging on the reading domain of the WIDA Screener or WIDA Access.

English learners who are in their first year of enrollment in a United States public or nonpublic school and enrolled in a course with an End-of-Course test in reading, mathematics, or science shall take the End-of-Course test, but the test scores shall not be included in the student's final grade for the course.

(e) The PSU shall administer one of the following English language proficiency assessments to each identified English learner during the annual testing program:

- (1) The WIDA ACCESS, if the English learner is in Kindergarten or in Grade 1 through Grade 12; or
- (2) The WIDA Alternate ACCESS, if the English learner is identified as a child with a disability, as defined in G.S. 115C-106.3(1), and has a significant cognitive disability.

(f) The PSU shall deem a student to no longer be an English learner and exit the student from the language instructional educational program if the student:

- (1) Achieves an overall composite score of 4.5 or above on the WIDA ACCESS;
- (2) Achieves a Level 2 or higher on the WIDA Alternate ACCESS; or
- (3) Achieves an overall composite score of 4.2, 4.3, or 4.4 on the WIDA ACCESS; achieves a score of less than 4.0 on no more than one individual domain of the WIDA ACCESS; and demonstrates other evidence of English proficiency using the Multiple Measure Tool developed by the Department of Public Instruction.

If the PSU has evidence that a student who was previously identified as an English learner has English language skills that may impair the student's continued ability to access academic content, the PSU may re-administer the applicable English language proficiency to re-assess the student's eligibility for English learner services and accommodations.

(g) The PSU shall not exclude English learners from special education programs due to limited English language proficiency. The PSU shall conduct evaluation, placement, and notification to parents of students with special needs in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1401 et seq. and its implementing regulations at 34 C.F.R. Part 300.

(h) The PSU shall not exclude English learners from programs for the academically gifted and other specialized programs or support services due to limited English proficiency.

(i) The PSU shall educate English learners in the least segregated manner consistent with each student's English learner plan and include these students in all aspects of the regular school program for which they are otherwise eligible and qualified.

(j) The PSU shall report the following information to the SBE no later than November 1st of each year:

- (1) The number of English learners identified and receiving services from the PSU.
- (2) The number of English learners receiving special education services in accordance with Chapter 115C, Article 9 of the General Statutes.

- (3) The number of English learners receiving services for academically or intellectually gifted students in accordance with Chapter 115C, Article 9B of the General Statutes.
- (4) Any other information required by the United States Department of Education.

History Note: Authority G.S. 115C-12(9); 115C-12(48); 115C-83.7; 115C-83.15; 115C-83.16; 115C-218.85; S.L. 2007-323, Section 7.9; 20 U.S.C. 6311; 20 U.S.C. 6811-7014; 20 U.S.C. 1703; 34 C.F.R. 200.6; Eff. June 1, 1996; Readoption Eff. July 1, 2026.

16 NCAC 06E .0201 DEFINITIONS

As used in this Section, the following definitions apply:

- (1) "Administering organization" is defined in G.S. 115C-407.50(1).
- (2) "Administrative rule" is defined in G.S. 115C-407.55(5).
- (3) "Aggrieved party" means a student, coach, participating school, PSU, or other party that is directly and adversely affected by a final decision of a rule administrator enforcing a student participation rule, penalty rule, or gameplay rule. If a student is affected, the student's parent or legal guardian may appeal the final decision pursuant to Rule .0215 of this Section.
- (4) "Bona fide purpose" means a purpose not primarily related to participation in interscholastic athletics.
- (5) "Final decision" means a written decision of a rule administrator regarding the application or enforcement of rules under this Section to a set of facts or circumstances. A ruling by a referee or official enforcing gameplay rules during an athletic competition, as recorded by the referee or official in the game record maintained by the rule administrator, that results in the ejection or suspension of a player or coach shall be deemed a final decision upon exhaustion of any available mechanisms for review under the rule administrator's internal policies and procedures.
- (6) "Gameplay rule" is defined in G.S. 115C-407.55(6).
- (7) "Immediate family member" means a spouse, parent, legal guardian or custodian, grandparent, child, grandchild, brother, sister, half-sibling, or step-sibling. The term applies to any such relationship whether by blood, adoption, or marriage.
- (8) "Initial entry" means:
 - (a) a student's first day of attendance at a participating school in which the student is enrolled as recorded by that school; or
 - (b) the first day on which a student practices or otherwise participates as a

- member of an interscholastic athletics team at a participating school.
- (9) "Interscholastic athletics" or "interscholastic athletic activity" means any extracurricular athletic activity that:
- (a) involves students in any Grades 6 through 12;
 - (b) is sponsored by an individual school, PSU, or administering organization; and
 - (c) includes students from more than one school or PSU.
- (10) "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.
- (11) "NFHS" means the National Federation of State High School Associations.
- (12) "Parent" is defined in G.S. 115C-407.50(6).
- (13) "Participating school" means a middle school, junior high school, or high school that elects to participate in interscholastic athletic activities.
- (14) "Penalty rule" is defined in G.S. 115C-407.55(3). Penalty rules are set forth in Rule .0209 of this Section.
- (15) "Principal" means a school administrator employed as the principal of a school, as provided in Chapter 115C, Article 19 of the General Statutes, or the staff member with the highest decision-making authority at a school, if there is no principal.
- (16) "Rule administrator" means any of the following:
- (a) An administering organization, when administering and enforcing the rules provided by this Section at the high school level.
 - (b) A local superintendent or his or her authorized designee, when administering and enforcing the rules provided by this Section at the middle and junior high school level.
 - (c) The Superintendent of Public Instruction, if necessary pursuant to 16 NCAC 06E .0204(e).
- (17) "Student health and safety rule" is defined in G.S. 115C-407.55(2). Student health and safety rules are set forth in Rule .0205 of this Section.
- (18) "Student participation rule" is defined in G.S. 115C-407.55(1). Student participation rules are set forth in Rule .0207 of this Section.

*Temporary Adoption Eff. July 1, 2024;
Temporary Adoption Eff. January 2, 2025;
Eff. July 1, 2025;
Amended Eff. July 1, 2026.*

16 NCAC 06E .0204 ADMINISTRATION OF INTERSCHOLASTIC ATHLETICS

- (a) The governing body of a PSU may allow high schools under its jurisdiction to belong to an administering organization designated by the Superintendent of Public Instruction.
- (b) An administering organization that has entered a memorandum of understanding with the Superintendent for the purpose of administering interscholastic athletics under this Section shall apply and enforce all the requirements of this Section. An administering organization shall provide training and resources to ensure that all students, parents, and PSU personnel involved in the administration of interscholastic athletics understand and comply with the provisions of this Section.
- (c) If the Superintendent enters a memorandum of understanding with one or more administering organizations consistent with G.S. 115C-407.61, the State Board of Education shall delegate to the administering organization(s) its authority over participating schools that are members of the administering organization to:
- (1) Apply and enforce student participation rules, as established in Rule .0207 of this Section.
 - (2) Waive any student participation rule as applied to a specific student, in accordance with 16 NCAC 06E .0207(k).
 - (3) Apply and enforce student health and safety rules, as established in Rule .0205 of this Section.
 - (4) Adopt, apply, and enforce penalty rules, consistent with Rule .0209 of this Section.
 - (5) Adopt, apply, and enforce administrative rules.
 - (6) Adopt, apply, and enforce gameplay rules.
 - (7) Collect from all its members a uniform membership fee of either:
 - (A) one thousand dollars (\$1,000) for each participating school; or
 - (B) one dollar (\$1.00) for each student enrolled in a participating school.
- (d) An administering organization shall:
- (1) Enter into a memorandum of understanding, consistent with the requirements of G.S. 115C-407.55(8) and 115C-407.61, with the Superintendent no later than March 15 prior to the start of the school year in which it is to begin administering interscholastic athletics and no later than March 15 before the expiration of an existing memorandum of understanding;
 - (2) Submit an audit report signed by an independent certified public accountant or accounting firm, which is in good standing with the North Carolina State Board of Certified Public Accountant Examiners and performs no other tasks or functions for the administering organization besides the annual audit, to the State Board of Education no later than March 15 each year;

*History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Eff. July 1, 1986;
Exp. Eff. June 1, 2022 pursuant to G.S. 150B-21.3A.*

- (3) Broadcast the meetings of its membership and board of directors in a manner that is announced on its website and which may be viewed electronically by any member of the public;
 - (4) Provide to the State Board of Education within 30 days any requested organizational records, such as financial information, annual audit reports, and any matters related to or impacting participating schools;
 - (5) Enter into written agreements with PSUs that allow their eligible schools to participate in interscholastic athletics, which agreements shall include an explanation of the fees to be charged, the obligations of the PSU and participating schools, penalties for the violation of this Section that may be imposed, and an explanation of the process to file an appeal pursuant to Rule .0215 of this Section; and
 - (6) Publish the organization's rules through a link on the home page of its website.
- (e) In the event that the Superintendent is unable to enter a memorandum of understanding with one or more administering organizations in accordance with this Rule, the SBE shall delegate all authority and responsibility provided to an administering organization by this Section to the Superintendent.
- (f) A PSU, participating school, PSU employee, or student seeking to report allegations of intimidation or harassment by an administering organization shall file a report with the Superintendent. The report shall be in writing and include a detailed description of the factual basis for the allegations.
- (g) The Superintendent shall be responsible for general oversight of interscholastic athletic activities at participating middle and junior high schools. The local superintendent or his or her authorized designees shall apply and enforce the requirements of this Section for participating middle and junior high schools under the jurisdiction of a PSU. The local superintendent or his or her authorized designee may also waive any student participation rule as applied to a specific student enrolled at a middle or junior high school under the jurisdiction of the PSU, in accordance with Rule .0207 of this Section.
- (h) Any person or PSU seeking to inquire about or report a violation of any rule enforced by a rule administrator shall direct the initial inquiry or report to the relevant rule administrator in accordance with the policies and procedures adopted by the rule administrator.
- (i) If a rule administrator determines that a student, PSU, or other party has violated any of the rules in this Section or any policies or procedures promulgated by the rule administrator under the authority delegated by this Rule, the relevant rule administrator shall render a final decision within 10 business days. The rule administrator's final decision shall contain:
- (1) Findings of fact.
 - (2) Conclusions of law, including a citation to and copy of any rules related to the decision.
 - (3) A description of any penalties imposed.
 - (4) Instructions on how the aggrieved party may file a notice of appeal with the Superintendent and a notice that the appeal must be filed within five days after receipt of the final decision.

This Paragraph shall not apply to a ruling by a referee or official enforcing gameplay rules during an athletic competition.

(j) An aggrieved party seeking to appeal a final decision with the Superintendent shall do so in accordance with Rule .0215 of this Section.

(k) Nothing in this Section shall be construed as restricting the independent authority of a PSU to further limit or regulate student participation in interscholastic athletics or other extracurricular activities in accordance with local policies adopted by the governing body of the PSU. Limitations or regulations imposed under local policies shall not be subject to appeal under Rule .0215 of this Section.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50, 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);

Emergency Adoption Eff. August 20, 2019;

Eff. March 1, 2021;

Temporary Amendment Eff. July 1, 2022;

Amended Eff. July 1, 2023;

Temporary Amendment Eff. July 1, 2024;

Amended Eff. July 1, 2026; July 1, 2025.

16 NCAC 06E .0205 STUDENT HEALTH AND SAFETY

(a) For purposes of this Rule, a concussion is defined as a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in loss of consciousness.

(b) An administering organization shall, on an annual basis, provide a concussion and head injury information sheet to all coaches, school nurses, athletic directors, first responders (as defined in Rule .0206 of this Section), volunteers, and students who participate in interscholastic athletic activities, and the parents or legal guardians of those students. The information shall include:

- (1) The definitions and symptoms of concussions and head injuries;
- (2) A description of the physiology and the potential short-term and long-term effects of concussions and other head injuries;
- (3) The medical return-to-play protocol for post-concussion participation in interscholastic athletic activities; and
- (4) Any other information deemed necessary by the PSU.

(c) School employees, first responders, volunteers, and students shall sign the information sheet and return it to the coach before participating in interscholastic athletic activities, including tryouts, practices, or competition. Parents shall sign the information sheet and return it to the coach before a child may participate in any such interscholastic athletic activities. The signed sheets shall be maintained in accordance with 16 NCAC 06E .0207(b).

(d) If a coach, athletic director, school nurse, athletic trainer, or first responder (as defined in Rule .0206 of this Section) determines that a student participating in an interscholastic athletic activity is exhibiting signs or symptoms consistent with concussion, the student shall be removed from the activity at the

time and shall not be allowed to return to play or practice that day. A student removed from play for exhibiting signs or symptoms consistent with concussion shall not return to play or practice on a subsequent day until the student is evaluated by and receives written clearance for such participation from one of the following:

- (1) A physician licensed under Chapter 90, Article 1 of the General Statutes with training in concussion management;
- (2) A neuropsychologist licensed under Chapter 90, Article 18A of the General Statutes with training in concussion management and working in consultation with a physician licensed under Chapter 90, Article 34 of the General Statutes;
- (3) An athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
- (4) A physician assistant, consistent with the limitations of G.S. 90-18.1;
- (5) A nurse practitioner, consistent with the limitations of G.S. 90-18.2; or
- (6) A physical therapist, licensed under Chapter 90, Article 18E of the General Statutes.

(e) Each participating school shall develop a venue-specific emergency action plan to deal with serious injuries and acute medical conditions in which the condition of the patient may deteriorate rapidly. The plan must be:

- (1) In writing;
- (2) Reviewed by an athletic trainer licensed under Chapter 90, Article 34 of the General Statutes;
- (3) Approved by the principal of the school;
- (4) Distributed to all appropriate personnel;
- (5) Posted conspicuously for community and parental awareness at all athletic-sponsored venues; and
- (6) Reviewed and rehearsed annually by all licensed athletic trainers, first responders, coaches, school nurses, athletic directors, and volunteers for interscholastic athletic activities.

(f) Each participating school's emergency management plan shall include:

- (1) A delineation of roles;
- (2) Methods of communication;
- (3) Available emergency equipment; and
- (4) Access to and plan for emergency transport.

(g) Each school shall maintain complete and accurate records of its compliance with the requirements of this Rule.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.57; 115C-407.58; 115C-407.60;

Interim Rule status conferred Eff. June 27, 2018, pursuant to S.L. 2018-114, sec. 27.(b);

Emergency Rule Eff. August 20, 2019;

Emergency Rule Exp. Eff. August 20, 2020;

Temporary Adoption Eff. July 1, 2024;

Eff. July 1, 2025;

Amended Eff. July 1, 2026.

16 NCAC 06E .0207

STUDENT PARTICIPATION

RULES

(a) A student shall not participate in interscholastic athletics on behalf of a North Carolina public school unless the student has satisfied the eligibility requirements set forth in this Rule. PSUs are authorized to determine whether and to what extent students under their jurisdiction may participate in interscholastic athletics, not inconsistent with the requirements of this Rule.

(b) Each PSU shall require the principal of a participating school to sign and date a list of eligible students for each sport. The PSU shall maintain a copy of the most current list in the principal's office and the office of the local superintendent.

(c) Residency Requirements

(1) For purposes of this Rule, a student's primary residence shall be determined as follows:

- (A) If both of the student's parents live together, the residence of both parents.
- (B) If the student's parents are separated or divorced, the residence of the parent to whom a court of competent jurisdiction has awarded primary custody of the student. If no custody order has been entered, the student and the student's parents shall designate one parent's residence as the primary residence and communicate that designation to the participating school prior to participation in interscholastic athletic activities. The designated primary residence shall be one that would otherwise render the student eligible to attend that school in accordance with state law and the policies of the governing body of the PSU.
- (C) If the student has only one living parent, the residence of that parent.
- (D) If a student lives with an individual to whom a court of competent jurisdiction has awarded legal guardianship of the student, the residence of that individual.
- (E) If a student has been emancipated in accordance with Chapter 7B, Article 35 of the General Statutes, the student's residence at the time of emancipation.
- (F) If a student is a foreign national participating in a foreign exchange program authorized by federal and state law, the residence to which the student is assigned by the program or host PSU.

(2) A student shall not participate in interscholastic athletics following a change in primary residence unless the change was made for a bona fide purpose and with the intent that it be permanent. The relevant administering organization shall resolve, by a preponderance

of the evidence, any disputes regarding a high school student's primary residence or whether a change in a student's primary residence was for a bona fide purpose.

- (3) Notwithstanding Subparagraph (2) of this Paragraph and absent a transfer between participating schools as provided in Paragraph (e) of this Rule, a student shall be eligible to participate in interscholastic athletics on behalf of a participating school in which the student is enrolled if the student has attended any school within the jurisdiction of the same PSU as the participating school for the two preceding semesters.

(d) Enrollment Requirements

- (1) A student enrolled in a school supervised by a local board of education shall only participate in interscholastic athletics on behalf of the school to which the student is assigned under G.S. 115C-366.
- (2) A student enrolled in a charter school, regional school, or school operated by the University of North Carolina shall meet all the enrollment criteria for that school and attend that school. A student who attends a school described in this Subparagraph shall not participate in interscholastic athletics on behalf of that school unless the student's primary residence is within either:
- (A) the county in which the school is located; or
- (B) twenty-five miles of the school as determined by the relevant rule administrator.
- (3) A local board of education may by policy allow a person who is enrolled in Grade 6 through 12 in a home school, as defined in G.S. 115C-563(a), and whose primary residence is within the board's jurisdiction to participate in interscholastic athletics on behalf of a participating school under the board's jurisdiction, provided that the board either agrees to cover any such person whom it allows to participate under its catastrophic athletic accident insurance policy or verifies that the person is independently covered by catastrophic accident insurance.

(e) Transfer Requirements

- (1) After a student's initial entry into Grade 9, and absent a change in residence for a bona fide purpose as provided in Paragraph (c) of this Rule:
- (A) A student who transfers from one participating school to another participating school within the same PSU shall not participate in interscholastic athletics for 365 calendar days following the student's enrollment in the new school, unless

the governing body of the PSU has adopted a policy allowing immediate eligibility for students who are assigned by the PSU to a different school within the same PSU.

- (B) A student who transfers from a participating school in one PSU to a participating school in a different PSU shall not participate in interscholastic athletics for 365 calendar days following the student's enrollment in the new school, unless the governing bodies of both PSUs agree that the transfer was for a bona fide purpose.
- (C) If the governing bodies of the PSU disagree that a transfer by a high school student was for a bona fide purpose, the relevant administering organization shall resolve the dispute by a preponderance of the evidence. If the administering organization finds that the transfer was for a bona fide purpose, it may waive the 365-day period of ineligibility in accordance with Paragraph (k) of this Rule and shall notify both PSUs of its decision in writing.

- (2) After a student's initial entry into Grade 9, if a student transfers to a new school within 365 calendar days after that school hires a coach for an interscholastic athletics team who was previously employed as a coach for an equivalent sport by the school from which the student is transferring, the student shall be ineligible to participate in interscholastic athletics for that sport for 365 calendar days following the student's enrollment in the new school. An administering organization may waive this restriction for a high school student if it determines by a preponderance of the evidence that the student's transfer was for a bona fide purpose.
- (3) A student who receives priority enrollment as the child of a full-time employee of a charter school pursuant to G.S. 115C-218.45(f)(3) shall not be eligible to participate in interscholastic athletics for that charter school if the Department of Public Instruction determines that the parent's employment was a fraudulent basis for the student's priority enrollment. A student determined to be ineligible under this Subparagraph shall be ineligible to participate in interscholastic athletics for 365 calendar days following discovery of the violation.
- (4) For purposes of this Paragraph, if a student transfers from a public school to a nonpublic school, including a home school as defined in G.S. 115C-563(a), and within 365 calendar days transfers to a different public school, the

transfer from the nonpublic school shall be treated as a transfer from a public school.

- (5) A student who transfers to the North Carolina School of Science and Mathematics is exempt from the requirements of this Paragraph upon initial entry into that school.
- (6) No student shall participate in more than one season of interscholastic athletics per year in the same sport, regardless of the school on behalf of which the student participated.

(f) Scholastic Requirements

- (1) To be eligible to participate in interscholastic athletics, a student must be in good academic standing. For purposes of this Rule, a student shall be deemed to be in good academic standing under the following circumstances:
 - (A) The student attended at least 85 percent of the total number of instructional days in the PSU during the previous semester, excluding absences qualifying as excused under 16 NCAC 06E .0102;
 - (B) The student passed at least 70 percent of the courses taken in the preceding semester; and
 - (C) The student is making sufficient progress toward meeting the academic and curricular requirements of the PSU and the State Board of Education to be promoted to the next grade level or to graduate within the next calendar year.
- (2) For the purpose of determining good academic standing during the fall semester, a student may count any course that the student passed in a summer school session toward the total number of courses passed in the preceding spring semester. The summer school course shall not affect the total number of courses attempted in the preceding spring semester.
- (3) A student who is promoted from Grade 5 to Grade 6 shall be deemed to have satisfied the requirements set forth in this Paragraph to participate in the first semester of Grade 6.
- (4) A student who is promoted from Grade 8 to Grade 9 shall be deemed to have satisfied the requirements set forth in this Paragraph to participate in the first semester of Grade 9.

(g) Age Requirements

- (1) Each PSU shall determine the age of a student participating in interscholastic athletics based on a preponderance of the evidence known to the PSU.
- (2) A student who is ineligible to participate at one grade level due to age shall be eligible to participate at the next higher grade level only, provided that a student:
 - (A) Shall be eligible to participate at the middle school level for no more than

six consecutive semesters, beginning with the student's initial entry into Grade 6.

- (B) Shall be eligible to participate at the high school level for no more than eight consecutive semesters, beginning with the student's initial entry into Grade 9.
- (C) Shall not participate on a middle school team if the student becomes 15 years of age before August 31 of that school year.
- (D) Shall not participate on a junior high school team if the student becomes 16 years of age on or before August 31 of that school year.
- (E) Shall not participate on a high school team if the student becomes 19 years of age on or before August 31 of that school year.

- (3) A student in Grade 6 shall not participate in tackle football.

(h) Biological Requirements. All students participating in interscholastic athletics shall comply with the biological participation requirements as provided in G.S. 115C-407.59.

(i) Medical Requirements. To be eligible to participate in interscholastic athletics, a student shall receive a medical examination every 395 days by a licensed physician, nurse practitioner, or physician assistant, subject to the provisions of Chapter 90 of the General Statutes.

(j) A student shall not participate in interscholastic athletics after pleading guilty or "no contest" to, or being convicted of, a felony under the laws of North Carolina, the United States, or any other state. Prior to deeming the student ineligible, the relevant rule administrator shall obtain a certified copy of a criminal record reflecting the plea or conviction and verify that the student is the same individual identified in the criminal record. If the student enters a deferred prosecution agreement, conditional discharge agreement, or similar diversionary program, the student shall remain ineligible during the probationary period imposed by the agreement.

(k) A rule administrator shall, in an individual student's case, waive any eligibility requirement contained in this Rule if it finds by a preponderance of the evidence that enforcing the requirement:

- (1) fails to promote academic progress, health, safety, and fair play;
- (2) works an undue hardship on a student who has lost eligibility due to circumstances that made participation impossible, such as prolonged illness or injury; or
- (3) prevents the reasonable accommodation of a student's disability, as required by the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);

*Temporary Adoption Eff. July 1, 2024;
Eff. July 1, 2025;
Amended Eff. July 1, 2026.*

16 NCAC 06E .0209 PENALTY RULES

(a) A rule administrator shall impose at least the following penalties on a student, coach, or school official in Grades 6 through 12 who is ejected from an interscholastic athletic contest:

- (1) for the first offense, the person shall be reprimanded and suspended from participating in the next game in that sport;
- (2) for a second offense, the person shall be placed on probation and suspended from participating in the next two games in that sport;
- (3) for a third offense, the person shall be suspended from participation in interscholastic athletics for one calendar year; or
- (4) a coach who is suspended shall not coach any team for any grade level during the period of suspension.

(b) Penalties shall be cumulative from sport to sport and from sport season to sport season. If no member of the participating school's coaching staff is present to assume the duties of a head coach who has been ejected from an interscholastic athletic contest, the contest shall be terminated by forfeit.

(c) The PSU that has jurisdiction over a participating school may impose penalties in addition to those imposed by an administering organization.

*History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024;
Eff. July 1, 2025;
Amended Eff. July 1, 2026.*

16 NCAC 06E .0211 NAME, IMAGE, AND LIKENESS

(a) As used in this Section:

- (1) "Compensation" means anything of value to the student or an immediate family member of the student, including cash, in-kind gifts, discounts, and other tangible benefits.
- (2) "Name, image, or likeness" or "NIL" means the use of a student's name, image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family member of the student.
- (3) "NIL agreement" means:
 - (A) A formal agreement or contract to use a student's name, image, or likeness for commercial purposes and in exchange for compensation to the student or an immediate family member of the student; or
 - (B) An agency contract, as defined in G.S. 78C-86(1).
- (4) "School administrators" includes the principal and athletic director of the student's school, the local superintendent, the chairperson of the

PSU governing body, and the head coach of any sport in which the student participates during the terms of an NIL agreement.

(b) A student participating in interscholastic athletics may enter an NIL agreement subject to the following restrictions:

- (1) The NIL agreement shall not condition the receipt, type, or extent of any compensation on the extent or quality of the student's athletic performance.
- (2) If the student is under 18 years of age, the student's parent or legal guardian shall be a party to the NIL agreement.
- (3) The NIL agreement shall hold the following parties harmless from any liability related to, or arising from the NIL agreement:
 - (A) The governing body of the PSU in which the student is enrolled, as well as its officers and employees.
 - (B) Any administering organization with which the PSU is affiliated, as well as its officers and employees.
 - (C) The State Board of Education and the Department of Public Instruction, as well as their officers and employees.
- (4) The NIL agreement shall otherwise comply with state and federal law.

(c) The student shall disclose the NIL agreement to school administrators in accordance with the following procedures:

- (1) No later than 10 business days prior to the execution of a proposed NIL agreement or an amendment to an existing NIL agreement, the student shall provide a complete and unredacted copy of the proposed NIL agreement or amendment to school administrators.
- (2) No later than five business days after the execution or amendment of the NIL agreement, the student shall provide a complete and unredacted copy of the executed NIL agreement or amendment to school administrators.

(d) No later than 10 business days prior to a student's entry into an NIL agreement, the student shall complete the NIL education course offered by the NFHS. If the student is under 18 years of age, the student's parent or legal guardian shall also complete the course. Those persons required to complete the course shall provide school administrators with a certificate of completion from the NFHS.

(e) A student participating in interscholastic athletics may enter into an NIL agreement to use the student's name, image, or likeness in any of the following ways:

- (1) Public appearances or commercials.
- (2) Autograph signings.
- (3) Athletic camps and clinics.
- (4) Sale of non-fungible tokens ("NFTs").
- (5) Product or service endorsements.
- (6) Promotional activities, including in-person events and social media advertisements.
- (7) Any other commercial activities that are intended to promote a product or service offered by, increase the profits of, or otherwise

generate financial benefits for a party to the NIL agreement from the use of the student's name, image, or likeness.

(f) No student engaged in an NIL agreement-related activity shall do any of the following:

- (1) Make any reference to a school, PSU, conference, or administering organization.
- (2) Receive compensation for the use of intellectual property of any school, PSU, conference, administering organization, or the NFHS. Intellectual property includes the name, uniform, mascot, mark, or logo of the entity that owns the intellectual property.
- (3) Appear in the uniform of the student's school or the school's sports team, or otherwise display the intellectual property of any school, PSU, conference, administering organization, or the NFHS.

(g) No student shall endorse or promote the goods or services of any third-party entity with which the student has entered an NIL agreement during interscholastic athletic competition or other school-based activities or events. This restriction applies to the wearing of apparel displaying the mark, logo, brand, or other identifying insignia of the third-party entity, unless it is part of the standard uniform for the school or sport.

(h) No student participating in interscholastic athletics shall enter into an NIL agreement or otherwise use the student's name, image, or likeness to promote any of the following:

- (1) An adult establishment, as defined in G.S. 14-202.10(2), or adult entertainment services.
- (2) Alcohol or alcoholic products.
- (3) Tobacco, vaping or other electronic smoking devices, or other nicotine products.
- (4) Cannabis or cannabis products.
- (5) Controlled substances, as defined in G.S. 90-87(5).
- (6) Opioids or prescription pharmaceuticals.
- (7) Weapons, firearms, or ammunition.
- (8) Casinos or gambling, including sports betting.
- (9) Activities that would disrupt the operations of a school or PSU.

(i) The athletic director of a participating school shall submit a current copy of any executed or amended NIL agreement involving a student at the school to any administering organizations of which the student's school is a member within 30 days of the disclosure of the executed or amended NIL agreement by the student. The administering organization shall maintain accurate records of all NIL agreements received and provide a summary report of all NIL agreements to the State Board of Education no later than June 30 of each year.

(j) No athletic director, coach, other employee of a PSU, member of a PSU governing body, representative of an athletic booster club, or representative of an NIL collective shall engage in any of the following activities:

- (1) Use the promise of an NIL agreement to recruit a student to attend a specific participating school or participate in a specific sport;
- (2) Act as a student's agent or marketing representative; or

- (3) Otherwise facilitate an NIL agreement between a student and a third party.

If the relevant administering organization finds a violation of this Paragraph by a preponderance of the evidence, the administering organization shall impose penalties consistent with its regulations and with Rule .0209 of this Section. A "representative" of an athletic booster club or NIL collective shall include an officer or any person authorized to conduct business on behalf of the organization.

(k) This Rule shall apply to any NIL agreement that a student or the student's parent or legal guardian execute during the time the student is enrolled in a PSU, even if the benefits of said agreement do not accrue to the student or an immediate family member of the student until after the student has graduated.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);

Eff. July 1, 2025;

Amended Eff. July 1, 2026.

16 NCAC 06E .0215 APPEALS

(a) The Superintendent of Public Instruction shall appoint an independent interscholastic athletics appeals board ("appeals board") to hear and act upon appeals from the final decision of a rule administrator enforcing a student participation rule, penalty rule, or gameplay rule.

(b) An aggrieved party may file an appeal with the Superintendent within five days after receipt of the final decision by completing an appeal form provided by the Superintendent. The aggrieved party shall submit the following information required by the form:

- (1) The name of the aggrieved party's participating school and PSU.
- (2) The name, address, and phone number of the aggrieved party. If the aggrieved party is a school or PSU, the aggrieved party shall also provide the name, address, phone number, and title of an employee who will serve as the official representative of the school or PSU during the appeal.
- (3) The names, email addresses, and phone numbers of the principal and local superintendent.
- (4) The names of any students affected by the final decision and the sports in which the student participates.
- (5) A description of the facts underlying the final decision.
- (6) A description of the final decision, the date it was issued, and the name, email, and phone number of the rule administrator or staff member thereof who issued the final decision.
- (7) An argument explaining why the aggrieved party believes the rule administrator's final decision was erroneous for one or both of the reasons provided in Paragraph (g) of this Rule.

- (8) If applicable, the date of any imminent interscholastic athletic activity that the final decision may affect.
- (9) Any relevant documents or other evidence that the aggrieved party deems relevant to the appeal and that the aggrieved party provided to the rule administrator for consideration prior to the final decision.

(c) The Superintendent shall appoint panels of no fewer than three members of the appeals board to hear and decide individual appeals on behalf of the appeals board. The panel may conduct a live hearing in person or via teleconference. Any hearing so conducted shall be recorded.

(d) The rule administrator may file a response to the aggrieved party's submissions within five days. The panel may shorten the time for filing the rule administrator's response if the decision affects a student's or coach's eligibility to participate in an intervening interscholastic athletic activity.

(e) All parties shall simultaneously provide copies of all records submitted as part of the appeal to the other parties involved. If the aggrieved party is a student, parent, or coach, the parties shall also provide copies of the documents and forms to the local superintendent and principal with jurisdiction over the aggrieved party.

(f) No later than 30 days after the Superintendent's receipt of the appeal, the panel shall issue its judgment.

(g) The panel shall affirm the rule administrator's final decision unless a majority of the panel determines that the final decision either:

- (1) Erroneously applies SBE rules or other applicable laws; or
- (2) Is not supported by the evidence, based on the following standards of review:
 - (A) For a ruling by a referee or official enforcing gameplay rules during an athletic competition, the panel shall affirm the referee or official's ruling and uphold the resulting penalty unless the aggrieved party presents clear and convincing evidence to contradict the ruling.
 - (B) For a final decision of a rule administrator regarding the application of any other SBE rule, the panel shall affirm the final decision unless the aggrieved party demonstrates that the final decision was not supported by substantial evidence, as defined in G.S. 150B-2(8c).

(h) The panel may also remand the final decision to the rule administrator for reconsideration in light of new information or evidence that was not provided to the rule administrator prior to its final decision, if there is an intervening change in any relevant law, or if the panel determines that additional information is necessary to inform its judgment. The panel shall not consider information or evidence presented that was not presented to the rule administrator in the first instance.

(i) The Superintendent, or the Superintendent's authorized designee, may stay a determination of ineligibility or a penalty imposed by the rule administrator pending the judgment of the appeals board.

(j) The panel's judgment shall be deemed a final agency decision and not subject to further appeal to the Superintendent or State Board of Education.

History Note: Authority G.S. 115C-12(12); 115C-12(23); 115C-47(4); 115C-407.50; 115C-407.55; 115C-407.60; 115C-407.65; 116-235(b);
Temporary Adoption Eff. July 1, 2024;
Eff. July 1, 2025;
Amended Eff. July 1, 2026.

16 NCAC 06E .0301 DEFINITIONS

As used in this Section, the following definitions shall apply:

- (1) "Continuing education unit" or "CEU" is defined in 16 NCAC 06C .0301(6).
- (2) "Driver education" means instruction provided to students enrolled in North Carolina public schools on the safe and competent operation of a motor vehicle, as defined in G.S. 20-286(10), including both classroom and behind-the-wheel instruction. "Driver training" has the same meaning as "driver education" when used elsewhere in the General Statutes or session laws applicable to the driver education program.
- (3) "Driver education instructor" or "instructor" means an individual qualified and employed under Rule .0302 of this Section to serve as an instructor in a driver education program.
- (4) "Driver education program" means the standardized program of driver education administered by the Superintendent of Public Instruction in accordance with G.S. 115C-215.
- (5) "Learner's Permit" is defined in G.S. 20-7(l).
- (6) "Restricted Instruction Permit" is defined in G.S. 20-7(m)(2).

History Note: Authority G.S. 20-88.1; 115C-12(28); 115C-215; 115C-216;
Filed as a Temporary Adoption Eff. August 12, 1991 for a period of 180 days to expire on February 7, 1992;
ARRC Objection Lodged August 22, 1991;
Eff. March 1, 1992;
Temporary Amendment Eff. August 15, 1998;
Temporary Amendment Eff. March 15, 2000;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. March 15, 2000 expired on December 10, 2000;
Amended Eff. July 18, 2002;
Readopted Eff. July 1, 2026.

16 NCAC 06E .0302 DRIVER EDUCATION INSTRUCTORS

(a) To serve as a driver education instructor for the driver education program administered by the Superintendent of Public

Instruction under G.S. 115C-215, a person must meet the following qualifications:

- (1) Be at least 21 years of age and have graduated from high school or hold a high school equivalency certificate;
- (2) Never have been convicted of a felony and not have been convicted of a misdemeanor in the past ten years;
- (3) Not have had convictions of moving violations totaling five or more points in the three years preceding the date of hire as an instructor;
- (4) Have at least four years of experience as a licensed operator of a motor vehicle;
- (5) Not have had a revocation or suspension of his or her driver's license in the five years immediately preceding the date of hire; and
- (6) Have completed one of the following driver education instructor courses:
 - (A) The Safety and Traffic Education Program administered by the Department of Public Instruction.
 - (B) The Driver Education Instructor Training Program administered by the North Carolina Division of Motor Vehicles.
 - (C) An instructor training program administered by a commercial driver training school in accordance with 19A NCAC 03I .0307.
 - (D) A driver education instructor training program administered by the division of motor vehicles or equivalent agency in another state or United States territory.

(b) A person who meets the qualifications in Paragraph (a) of this Rule may qualify for a teacher license in Safety and Driver Education under 16 NCAC 06C .0304 if the person otherwise qualifies for a professional educator license under Subchapter 06C, Section .0300 of this Chapter and:

- (1) Has completed an educator preparation program in driver education or an equivalent license area; or
- (2) Holds a teacher license in another license area and applies to add Safety and Driver Education as an additional license area under 16 NCAC 06C .0307.

A person who qualifies for a Safety and Driver Education license pursuant to Subparagraph (b)(1) of this Rule is exempt from the course requirements in Subparagraph (a)(6) of this Rule. To obtain a teacher license in Safety and Driver Education, a qualified instructor shall apply to the State Board of Education in accordance with 16 NCAC 06C .0334.

(c) Each driver education instructor shall complete continuing education as described below.

- (1) An instructor who holds a teacher license in Safety and Driver Education shall follow the requirements of 16 NCAC 06C .0360.
- (2) An instructor who does not hold a teacher license in Safety and Driver Education shall

complete at least eight continuing education requirements (CEUs) once every five years, consisting of the following:

- (A) Four CEUs focused safety and driver education; and
- (B) Four CEUs focused on pedagogy and classroom instruction.

The five-year renewal cycle shall begin on the date the instructor completed the driver instructor course required by Subparagraph (a)(6) of this Rule. For instructors who completed the course on or before July 1, 2026, the renewal cycle shall begin on that date.

- (3) An instructor who holds a commercial driver training instructor license issued by the North Carolina Division of Motor Vehicles shall be deemed to have satisfied the continuing education requirement as long as that instructor license remains active.

(d) Each public school unit shall ensure that driver education instructors in its employment meets the qualifications and continuing education requirements in this Rule. Each public school unit shall report to DPI the status of each of its driver education instructors no later than July 1 of each year. A public school unit shall notify DPI within 30 days if it learns that a driver education instructor in its employment has lost the privilege to drive in North Carolina or any other state.

History Note: Authority G.S. 20-88.1; 115C-215; 115C-216; Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on February 7, 1992; Eff. March 1, 1992; Readopted Eff. July 1, 2026.

16 NCAC 06E .0303 DRIVER EDUCATION CONTRACTS

(a) A local board of education may contract with a public or private person or entity ("contractor") to administer a program of driver education at high schools under the local board's jurisdiction, provided the contractor complies with the requirements of this Section and Chapter 115C, Article 14 of the General Statutes.

(b) The local board shall award contracts on a competitive basis through requests for proposals. The local board shall establish the process for soliciting proposals, the number of proposals required, and the time and place for receiving and opening proposals. In addition, the local board shall determine whether bid bonds or performance bonds shall be required. Decisions to award contracts shall be based on quality, safety, costs and such other reasonable factors as the local board may establish.

(c) A contract may not be awarded to an entity not licensed by the North Carolina Division of Motor Vehicles as a commercial driving school pursuant to G.S. 20-322. A contract may be awarded to a person not licensed as a commercial driving school if he or she qualifies as a driver education instructor under Rule .0302 of this Section.

(d) All contracts shall include at least the following provisions:

- (1) The term of the contract, which shall not exceed one year.

- (2) The procedure for renewal of the contract, if any, except that a contract may not be renewed for more than two successive one-year terms.
- (3) The grounds for termination of the contract, including automatic termination in the event of revocation of the license required by G.S. 20-325.
- (4) Whether school facilities or vehicles are to be used by the contractor. The local board shall not charge the contractor any fee for the use of school facilities or vehicles except for damages arising from the negligent, reckless, or intentional acts of the contractor.
- (5) The types of vehicles and equipment to be provided by the contractor, if any. Any vehicle or equipment purchased using State funds shall remain the property of the local board, and the local board may not, by the terms of the contract, transfer ownership to the contractor.
- (6) An agreement by the contractor to comply with the requirements of this Section and Chapter 115C, Article 14 of the General Statutes.
- (7) Other such terms and conditions, including the purchase of insurance by the contractor, as the local board may determine to be reasonable and appropriate.

History Note: Authority G.S. 20-88.1; 115C-215; 115C-216; Filed as a Temporary Adoption Eff. August 12, 1991 For a Period of 180 Days to Expire on February 7, 1992; Eff. March 1, 1992; Readopted Eff. July 1, 2026.

16 NCAC 06E .0304 DRIVER EDUCATION PROGRAM

(a) Each local board of education shall offer a driver education course in high schools under its jurisdiction using the standardized curriculum developed by the Department of Public Instruction pursuant to G.S. 115C-215. The driver education course shall not qualify for course credit under Subchapter 06D, Section, .0500 of this Chapter.

(b) Each driver education course shall include:

- (1) At least 30 clock hours of classroom instruction; and
- (2) At least 6 hours of behind-the-wheel instruction under the supervision of a driver education instructor.

The local school administrative unit shall determine the number of hours of instruction per day, which may include a combination of classroom instruction and behind-the-wheel instruction.

(c) No more than 50 students may be assigned to a class for classroom instruction. No fewer than two and no more than three students may be in a vehicle during behind-the-wheel instruction. To the extent necessary to ensure equal access to the driver education program, the LSAU shall provide reasonable accommodations to a student with a disability consistent with the Americans with Disabilities Act, the Individuals with Disabilities in Education Act, and Section 504 of the Rehabilitation Act of 1973.

(d) The LSAU shall offer the driver education course throughout the calendar year as reasonable based on available personnel and resources.

(e) Prior to beginning behind-the-wheel driving instruction, a student shall obtain a Learner's Permit or a Restricted Instruction Permit issued by the Division of Motor Vehicles ("DMV").

(f) The principal of each high school shall approve each student at that school who meets the requirements in G.S. 115C-215(a) for enrollment in the driver education course.

(g) The LSAU shall issue a certificate to each student who completes either classroom instruction or behind-the-wheel phases of the driver education course.

(h) The LSAU shall submit the following reports to the Department of Public Instruction:

(1) Quarterly Reports – due July 15th, October 15th, January 15th, and April 15th of each fiscal year:

(A) Total number of students enrolled in the classroom and driving phases of the driver education program at each school within the LSAU, including the total number in each grade level from Grade 8 through Grade 12.

(B) Total number of students enrolled in the driver education program who are identified as a child with a disability, as defined in G.S. 115C-106.3(1).

(C) Total number of students who have dropped out of the driver education program.

(D) Total number of students receiving special accommodations or resources from the LSAU to complete the driver education program.

(2) Annual Reports – due July 15th of each fiscal year:

(A) Whether the driver education program is directly managed by the PSU or managed by a contractor pursuant to Rule 06E .0303 of this Section and, if the program is managed by a contractor, the name of the contractor.

(B) A list of driver education instructors employed by the LSAU. The list shall identify any instructors who hold a teacher license in Safety and Driver Education or a commercial driver training instructor license issued by the DMV. The list shall specify the next deadline for each instructor to complete the continuing education units required by 16 NCAC 06E .0302(c).

(C) The amount of any fee collected by the LSAU to manage the driver education program.

(i) Two or more local boards of education may jointly operate a driver education course under a written agreement meeting the requirements of G.S. 160A-460 et seq. The agreement shall

provide for one local board of education to assume administrative responsibility for the course.

(j) If the Department of Public Instruction determines that the LSAU is out of compliance with any provision of this Section, DPI may withhold additional State funding allocated to the LSAU for its driver education program until such time as DPI determines that the LSAU is back in compliance.

History Note: Authority G.S. 20-88.1; 115C-215; 115C-216; Eff. July 1, 2026.

16 NCAC 06E .0305 DRIVING ELIGIBILITY CERTIFICATES

(a) For purposes of this Rule:

- (1) "School administrator" means one of the following officials within the public school unit ("PSU") in which a student is enrolled:
 - (A) For a local school administrative unit ("LSAU"), the principal of the student's school or the principal's designee, provided the designee is an employee of the LSAU authorized to access the student's educational record.
 - (B) For a charter school, the designee of the board of directors, provided the designee is an employee of the charter school authorized to access the student's educational record.
- (2) "Senior PSU official" means one of the following officials within the PSU in which a student is enrolled:
 - (A) For a local school administrative unit, the local superintendent or designee, provided the designee is senior in authority to the principal.
 - (B) For a charter school, the board of directors or designee, provided the designee is senior in authority to the school administrator.
- (3) "Student" means a person under 18 years of age who is seeking a limited learner's permit or provisional driver's license under G.S. 20-11.

(b) The school administrator shall provide a driving eligibility certificate to a student if:

- (1) The student is eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1); or
- (2) The student is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).

(c) The PSU shall provide students with the right to appeal the denial of a driving eligibility certificate by the school administrator to a senior PSU official. The senior PSU official shall issue the driving eligibility certificate if the official determines that the school administrator's decision is not supported by the factual record or is inconsistent with the requirements of Paragraph (b) of this Rule.

(d) The school administrator shall notify the North Carolina Division of Motor Vehicles whenever a student no longer meets

the requirements for a driving eligibility certificate and the student has exhausted all rights to appeal within the LSAU.

(e) For purposes of this Rule and of G.S. 20-11 and 20-13.2:

- (1) The equivalency of a high school diploma shall include either of the following:
 - (A) A credential issued by the General Educational Development Testing Service (i.e., a "G.E.D.").
 - (B) An Adult High School Diploma issued by the North Carolina State Board of Community Colleges.
- (2) A student shall be deemed to be making progress toward obtaining a high school diploma if the student passes at least 70 percent of the maximum possible courses in each semester and is meeting the promotion standards established by the PSU.
- (3) A student shall be deemed unable to make progress toward obtaining a high school diploma or its equivalent under G.S. 201-11(n)(1)c. if the student has been identified as a child with a disability in accordance with Chapter 115C, Article 9 of the General Statutes and the student's IEP team has determined that, due to the disability, the student cannot satisfy the state graduation requirements under Subchapter 06D, Section .0500 of this Chapter or the requirements for the equivalency of a high school diploma.
- (4) "Substantial hardship" means a demonstrable burden on the student or the student's family, including any of the following circumstances:
 - (A) The student's parent is unable to drive due to documented illness or other mental or physical impairment, and the student is the only other person of driving age in the household.
 - (B) The student requires transportation to and from a job that is necessary for the welfare of the student's family, and the student is unable to obtain transportation by any other means.
 - (C) The student has been unable to attend school for documented medical reasons, but the student has demonstrated the ability to make progress toward a high school diploma or its equivalent.
- (5) "Exemplary student behavior" means that, since returning to school or an alternative educational setting, the student has not:
 - (A) Committed additional acts of misconduct for which expulsion, suspension, or assignment to an alternative educational setting is required; or
 - (B) Violated policies of the governing body of the PSU that may result in disciplinary action against the student.

- (6) A student shall be deemed to have successfully completed a drug or alcohol treatment counseling program if the student has completed at least 12 hours of either:
- (A) Alcohol or drug treatment or counseling;
 - (B) A mental health treatment program; or
 - (C) Any other or other intervention deemed appropriate by the PSU.

History Note: Authority G.S. 20-11; 20-13.2; 115C-12(28); Eff. July 1, 2026.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 53 - CLINICAL MENTAL HEALTH COUNSELORS

21 NCAC 53 .0505 PROFESSIONAL COUNSELING LICENSURE COMPACT FEES AND EXAMINATION

- (a) Pursuant to G.S. 90-349.3(c), individuals seeking the privilege to practice in this State pursuant to the Professional Counseling Licensure Compact, as set forth in Article 24A of Chapter 90, shall pay the initial non-refundable application fee set forth in Rule .0501 of this Section, and thereafter, shall pay the non-refundable renewal fee set forth in Rule .0503 of this Section.
- (b) The individual practicing pursuant to the Compact shall pay the required non-refundable application and renewal fees set forth in Paragraph (a) of this Rule to the Counseling Compact Commission, and the Commission shall thereafter remit the applicant's fee to the Board.
- (c) Pursuant to G.S. 90-349.4(a)(8), individuals seeking the privilege to practice in this State pursuant to the Professional Counseling Licensure Compact shall complete a jurisprudence exam published on the Board website, www.ncblcmhc.org. Such individuals, or those seeking to renew the privilege, shall submit documentation of completion of the jurisprudence exam, taken within six months prior to seeking the privilege to practice or within six months prior to the expiration of the privilege. The exam administrator's fees for such exam shall be paid directly to the administrator of that exam.

History Note: Authority G.S. 90-334; 90-339; 90-349.3; 90-394.4; Eff. Pending Legislative Review.

CHAPTER 57 - APPRAISAL BOARD

21 NCAC 57A .0201 QUALIFICATIONS FOR TRAINEE REGISTRATION AND APPRAISER LICENSURE AND CERTIFICATION

- (a) Applicants for registration as a trainee real estate appraiser, licensure as a licensed residential real estate appraiser, and for certification as a certified real estate appraiser shall satisfy the qualification requirements set forth in the Real Property Appraiser

Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, which is hereby incorporated by reference, including subsequent amendments and editions and can be found at www.appraisalfoundation.org/pages/criteria at no cost.

(b) Applicants for licensure or certification who apply through the supervisor and trainee method and who are currently registered trainees shall submit a copy of their complete appraisal log in accordance with Rule .0407(d) of this Subchapter. All applicants for licensure or certification shall provide to the Board copies of appraisal reports and workfiles, as requested, in order for an appraisal to be given experience credit.

(c) As an alternative to the requirements in Paragraph (b) of this Rule, applicants for licensure or certification shall complete the requirements of a Practical Applications of Real Estate Appraisal (PAREA) program or Practicum course as established in the Real Property Appraiser Qualification Criteria and approved by The Appraisal Foundation's Appraiser Qualifications Board, shall submit a certificate of completion, and shall meet any additional requirements set forth in Rule .0601 of this Subchapter.

(d) When a trainee or a licensed or certified real estate appraiser upgrades his or her registration, license, or certificate, the previous registration, license, or certificate shall be canceled by the Board.

(e) In the event that the Board requests that an applicant submit updated information or provide further information that the Board determines is necessary in order for the applicant to complete the application and the applicant fails to submit the requested information within 90 days following the Board's request, the Board will void the application. An applicant whose application has been voided shall start the licensing process over by filing a complete application with the Board and paying all required fees, as set forth in G.S. 93E-1-6.

(f) If an applicant has an open complaint before the North Carolina Appraisal Board or an appraiser licensing board from any other state, the application shall be accepted but no further action shall be taken on the application until the complaint is resolved. If the applicant has any pending criminal charges in this or any state, they shall be reviewed as set forth in G.S. 93B-8.1.

(g) An applicant may request that his or her application be withdrawn at any time before final action is taken by the Appraisal Board on the application.

History Note: Authority G.S. 93E-1-6; 93E-1-10; 93B-8.1; Eff. July 1, 1994; Amended Eff. July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008; March 1, 2007; April 1, 2006; July 1, 2005; August 1, 2002; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. July 1, 2026; December 31, 2025; June 1, 2020; May 1, 2020.

21 NCAC 57A .0204 CONTINUING EDUCATION

- (a) All registered trainees, real estate appraiser licensees, and certificate holders shall, upon the renewal of their registration, license, or certificate in every odd-numbered year, have obtained continuing education, as required by this Rule. Trainees and appraisers who initially registered with the Board after January 1

of an odd-numbered year are not required to obtain continuing education for renewal of their registration in that odd-numbered year.

(b) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall complete 28 hours of continuing education before June 1 of every odd-numbered year. Specific topics required as part of the 28 hours of continuing education are outlined in Paragraph (d) of this Rule. Except as provided in Paragraphs (g) and (h) of this Rule, such education shall have been obtained by taking courses approved by the Board for continuing education credit, at schools approved by the Board to offer such courses, as set forth in 21 NCAC 57B .0603. Such education shall relate to real estate appraisers maintaining and increasing their skill, knowledge, and competency in real property appraising. There is no exemption from the continuing education requirement for trainees or appraisers whose status has been upgraded to the level of licensed residential, certified residential, or certified general appraiser, since the issuance or most recent renewal of their registration, license, or certificate. Trainees, licensees, and certificate holders shall not take the same continuing education course more than once during the two-year continuing education cycle.

(c) Each appraisal continuing education course shall include a minimum of two classroom hours of instruction on real estate appraisal or related topics, as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, which is hereby incorporated by reference, including subsequent amendments and editions, and can be found at www.appraisalfoundation.org/pages/criteria at no cost.

(d) Each trainee, licensee, and certificate holder who is required to obtain continuing education pursuant to Paragraph (a) of this Rule shall, as part of the 28 hours of continuing education required in Paragraph (b) of this Rule, complete the seven-hour National Uniform Standards of Professional Appraisal Practice (USPAP) Continuing Education course, as required by the Appraiser Qualifications Board of the Appraisal Foundation. Each trainee, licensee, and certificate holder shall complete a course which meets the content requirements of the Valuation Bias and Fair Housing Laws and Regulations outline, as set forth in the Real Property Appraiser Qualification Criteria, every continuing education cycle. The course length must be at least seven-hours the first time a trainee, licensee, or certificate holder completes the continuing education requirements of the Valuation Bias and Fair Housing Laws and Regulations requirement. If an appraiser completes the seven-hour (plus one hour exam) course as part of their qualifying education, they have met this requirement. Each continuing education cycle thereafter, the course length shall be at least four-hours.

(e) A trainee, licensee, or certificate holder who completes approved continuing education courses in excess of the requirement shall not carry over any continuing education credits from those courses into the subsequent years.

(f) Course sponsors shall provide a certificate of course completion to each trainee, licensee, and certificate holder who completes a course, as set forth in 21 NCAC 57B .0603. Course sponsors shall send to the Board a roster of all who completed the course. This roster shall be sent within 15 days of completion of the course. In order to renew a registration, license, or certificate

in a timely manner, the Board shall receive proof of completion of the continuing education requirement prior to processing a registration, license, or certificate renewal application. Proof of completion shall be receipt by the Board of a roster from a school or course sponsor showing the courses completed by the applicant. If proof of having completed the continuing education requirement is not provided, the registration, license, or certificate shall expire and the trainee, licensee, or certificate holder shall be subject to the provisions of Rules .0203(e) and .0206 of this Section.

(g) A current or former trainee, licensee, or certificate holder may request that the Board grant continuing education credit for a course that has been completed but is not approved by the Board, or for appraisal education activity equivalent to a Board approved course, by making such request and submitting a non-refundable fee of fifty dollars (\$50.00) as set out in G.S. 93E-1-8(d) for each course or type of appraisal education activity to be evaluated. Such requests shall be received before June 15 of an odd-numbered year to be credited towards the continuing education requirement for that odd-numbered year. Continuing education credit for a non-approved course shall be granted only if the trainee, licensee, or certificate holder provides proof of course completion and the Board finds that the course satisfies the requirements for approval of appraisal continuing education courses with regard to subject matter, course length, instructor qualifications, and student attendance, as set forth in 21 NCAC 57B .0603. Appraisal education activities for which credit may be awarded include teaching appraisal courses, authorship of appraisal textbooks, and development of instructional materials on appraisal subjects. Up to 14 hours of continuing education credit may be granted in each continuing education cycle for participation in appraisal education activities. Trainees, and licensed or certified appraisers who have taught an appraisal course approved by the Board for continuing education credit, are deemed to have taken an equivalent course and are not subject to the fee prescribed in G.S. 93E-1-8(d), provided they submit verification of having taught the course(s). A trainee, licensee, or certificate holder who teaches a Board approved continuing education course shall not receive continuing education credit for the same course more than once every two years, regardless of how often he or she teaches the course.

(h) A trainee, licensee, or certificate holder may receive continuing education credit by taking any of the Board approved precertification courses, other than Basic Appraisal Principles and Basic Appraisal Procedures, or their approved equivalents. Trainees, licensees, and certificate holders who wish to use a precertification course for continuing education credit shall comply with the provisions of 21 NCAC 57B .0604.

(i) A licensee or certificate holder who resides in another state, and is currently credentialed in another state, may satisfy the continuing education requirements in an odd-numbered year by submitting an affidavit prior to renewal which lists all continuing education completed within the current continuing education cycle. The affidavit form may be found on the Board's website at www.ncappraisalboard.org, and shall include the following:

- (1) the licensee's full name;
- (2) the licensee's license number;
- (3) the course provider's name;

- (4) the state the continuing education is approved and claimed through;
- (5) the course title;
- (6) the course hours;
- (7) the date the course was completed; and
- (8) the signature of the licensee.

The Board will audit no less than ten percent of licensees who renew with an affidavit. A licensee or certificate holder selected for a continuing education audit shall make the certificates available to the Board upon request. A licensee or certificate holder who became licensed in North Carolina by licensure or certification with another state and now resides in North Carolina, may renew by affidavit for his or her first renewal as a resident of North Carolina only if the appraiser moved to North Carolina on or after January 1 of an odd-numbered year. If an appraiser was a resident of this State before January 1 of an odd-numbered year, the appraiser shall comply with the requirements of this section regardless of how the license or certificate was obtained.

(j) A trainee, licensee, or certificate holder who returns from active military duty on or after February 1 of an odd-numbered year, may renew his or her registration, license, or certificate in that odd-numbered year even if the required continuing education is not completed before June 1 of that year. When a trainee, licensee, or certificate holder returns from active duty, all required continuing education shall be completed pursuant to the deadline in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. The Board shall immediately place any licensee or certificate holder enrolled in the Appraisal Subcommittee's National Registry in an inactive status and may revoke the registration, license, or certificate, in accordance with G.S. 93E-1-12, if the required continuing education is not completed pursuant to the deadline in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. This Paragraph applies to an individual who is serving in the armed forces of the United States and to whom G.S. 105-249.2 grants an extension of time to file a tax return.

History Note: Authority G.S. 93B-15; 93E-1-7(a); 93E-1-10; Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2013; July 1, 2011; July 1, 2010; January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; July 1, 2003; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2026, August 1, 2024; July 1, 2022; July 1, 2019; July 1, 2018.

21 NCAC 57A .0207 PAYMENT OF REGISTRATION, LICENSE AND CERTIFICATE FEES

Payments to the Board for registration, license, and certificate fees which are returned unpaid shall be cause for registration, license, or certificate denial, suspension, or revocation.

History Note: Authority G.S. 93E-1-10; 93E-1-12(a)(9); Eff. July 1, 1994;
Amended Eff. August 1, 2002; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2026; September 1, 2021.

21 NCAC 57A .0402 REGISTRATIONS, LICENSES AND CERTIFICATES

The annual registration, license, or certificate renewal issued by the Board to each trainee, licensed, or certified real estate appraiser shall be retained by the trainee, licensee, or certificate holder as evidence of registration, licensure, or certification.

History Note: Authority G.S. 93E-1-10;
Eff. July 1, 1994;
Amended Eff. March 1, 2006; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2026; July 1, 2022.

21 NCAC 57A .0403 ADVERTISING

(a) When advertising or otherwise holding himself or herself out as a trainee or real estate appraiser, a trainee shall identify himself or herself either as a "registered trainee" or as a "trainee real estate appraiser," a licensed residential real estate appraiser shall identify himself or herself as a "licensed residential real estate appraiser," a certified residential real estate appraiser shall identify himself or herself as a "certified residential real estate appraiser," and a certified general real estate appraiser shall identify himself or herself as a "certified general real estate appraiser".

(b) A registered trainee, licensed or certified real estate appraiser doing business as a partnership, association, corporation, or other business entity shall not represent in any manner to the public that the partnership, association, corporation, or other business entity is registered, licensed, or certified by the State of North Carolina to engage in the business of real estate appraising.

History Note: Authority G.S. 93 E-1-3.1; 93E-1-10;
Eff. July 1, 1994;
Amended Eff. January 1, 2008; July 1, 2005; July 1, 2003; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2026.

21 NCAC 57A .0405 APPRAISAL REPORTS

(a) Each written appraisal report prepared by or under the supervision of a licensed or certified real estate appraiser shall bear the signature of the licensed or certified appraiser, the license or certificate number of the licensee or certificate holder in whose name the appraisal report is issued, and the designation "licensed residential real estate appraiser," "certified residential real estate appraiser," or "certified general real estate appraiser," as applicable. Each appraisal report shall also state whether or not the licensed or certified appraiser has personally inspected the property, and shall identify in the body of the report any other person who assisted in the appraisal process other than by providing clerical assistance. Appraisers shall personally affix their signature to their appraisal reports and shall not allow any other person or entity to affix their signature. Trainees are not

required to affix their signatures to appraisal reports, but if they do so, they must personally affix their signature and shall not allow any other person or entity to affix their signature. Trainees and appraisers shall sign their reports with the same name as it is printed on their license or certification.

(b) A licensed or certified real estate appraiser who signs an appraisal report prepared by another person, in any capacity, is responsible for the content and conclusions of the report.

(c) A written appraisal report shall be issued on all real estate appraisals performed in connection with federally related transactions.

(d) Appraisers shall keep a log of all appraisals performed. The log shall contain the appraiser's license or certificate number, the street address of the subject property, the date the report was signed, the name of anyone assisting in the preparation of the report, and the name of the client. These logs shall be updated at least every 30 days.

(e) Any appraiser who signs an appraisal report is entitled to make or retain a copy of that appraisal report, as long as the copy is made at the time the report is prepared. Any appraiser who signs or is listed as providing significant real property assistance in an appraisal report shall be given a copy of the appraisal reports and the workfiles, by the appraiser that has custody of the workfiles, upon request for purposes of: submission of the report and workfile to the Appraisal Board; compliance with due process of law, such as a subpoena; submission to a peer review committee; or in accordance with retrieval arrangements made by the appraiser and the person or entity retaining the report and workfile.

(f) Appraisal reports transmitted electronically to clients shall be sent in a secure format, such as Adobe PDF.

(g) An appraiser shall retain each version of an appraisal report transmitted to the client, to any intended user, or to any other party authorized by the client.

History Note: Authority G.S. 93E-1-10;

Eff. July 1, 1994;

Amended Eff. July 1, 2011; July 1, 2010; September 1, 2008;

January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2003;

August 1, 2002; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. July 1, 2026; December 31, 2025.

21 NCAC 57A .0407 SUPERVISION OF TRAINEES

(a) A certified real estate appraiser may engage a registered trainee to assist in the performance of real estate appraisals. In the alternative, applicants for licensure or certification may complete the requirements of a Practical Applications of Real Estate Appraisal (PAREA) program or Practicum course as established in the Real Property Appraiser Qualification Criteria and approved by The Appraisal Foundation's Appraiser Qualifications Board, shall submit a certificate of completion, and shall meet any additional requirements set forth in Rule .0601 of this Subchapter. Individuals choosing PAREA or Practicum are not required to register as a trainee.

(b) If a certified real estate appraiser engages a registered trainee to assist in the performance of real estate appraisals, the appraiser shall:

- (1) have been certified for at least three years;
- (2) have no more than three trainees working under his or her supervision at any one time;
- (3) prior to the date any trainee begins performing appraisals under his or her supervision, the supervisor shall inform the Board of the name of the trainee by filing a Supervisor Declaration Form with the Board. The form may be found on the Board's website at www.ncappraisalboard.org. The supervisor shall also inform the Board when a trainee is no longer working under his or her supervision by submitting a new Supervisor Declaration Form. The form shall include the following information:
 - (A) the name and registration number of trainee;
 - (B) the name and certification number of supervisor;
 - (C) the date the trainee completed the supervisor/trainee course;
 - (D) the date the supervisor completed the supervisor/trainee course;
 - (E) whether the supervisor has had any disciplinary action within the past three years or pending complaints against his or her certification in any state; and
 - (F) the signature of both the supervisor and trainee (only required for association).
- (4) actively and personally supervise the trainee on all appraisal reports and appraisal related activities until the trainee is no longer under his or her supervision;
- (5) review all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee is utilized, and assures that research of general and specific data has been conducted and reported, application of appraisal principles and methodologies has been applied, and that any analysis, opinions, or conclusions are developed and reported so that the appraisal report is not misleading;
- (6) comply with all provisions of Rule .0405 of this Section regarding appraisal reports;
- (7) review and sign the trainee's log of appraisals prepared in accordance with Paragraph (d) of this Rule. The supervisor shall make available to the trainee a copy of every appraisal report where the trainee documents appraisal experience on their experience log and the trainee's contribution is noted in the appraisal report, or the trainee signs the appraisal report; and
- (8) not have received any disciplinary action against his or her appraisal certificate from the State of North Carolina or any other state within the previous three years. For the purposes of

this Subparagraph, "disciplinary action" means an active suspension, a downgrade of a credential, a revocation, or any other action that restricts a supervisor's ability to engage in appraisal practice.

(c) "Active and personal supervision" includes direction, guidance, and support from the supervisor. The supervising appraiser shall have input into and knowledge of the appraisal report prior to its completion, and shall make any changes to the report before it is transmitted to the client. In addition, the supervisor shall accompany the trainee on the inspections of the subject property on the first 25 appraisal assignments or the first 750 hours of experience, whichever comes first for which the trainee either signs the appraisal report or is noted as providing significant appraisal assistance in the report, in compliance with Standard Rule 2(a) and Standard Rule 2(b) of the Uniform Standards of Professional Appraisal Practice. After that point, the trainee may perform the inspections without the presence of the supervisor provided that the supervisor is satisfied that the trainee is competent to perform those inspections.

(d) An appraisal experience log shall be maintained jointly by the supervisor and the trainee. Both the supervisor and the trainee are responsible for maintaining the experience log and ensuring that it is accurate, current, and includes the following:

- (1) the trainee's name and signature;
- (2) the supervisor's name and signature;
- (3) the supervisor's certificate number;
- (4) the date the supervisor signed the log;
- (5) the subject property address;
- (6) the date the appraisal report was signed;
- (7) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
- (8) the client's name;
- (9) the trainee's file number for the appraisal assignment, if any;
- (10) the number of verifiable work hours by the trainee on the assignment;
- (11) whether the supervisory appraiser accompanied the trainee on the inspection of the subject property; and
- (12) a description of the work performed by the trainee and the level of review and supervision of his or her supervisor on each assignment.

The log shall be updated at least every 30 days. A separate log shall be maintained for each supervising appraiser. A log form is available on the Board's website at www.ncappraisalboard.org.

(e) An appraiser shall complete the supervisor trainee course developed by the North Carolina Appraisal Board, within the past 10 years, prior to supervising a trainee. This course shall be taught only by instructors approved by the Board in accordance with 21 NCAC 57B .0614.

(f) Trainees shall ensure that the Appraisal Board has received the Supervisor Declaration Form on or before the day the trainee begins assisting the supervising appraiser by contacting the Board by telephone or email at ncab@ncab.org. The form may be found on the Board's website at www.ncappraisalboard.org. Trainees shall not receive appraisal experience credit for appraisals performed in violation of this Paragraph.

(g) Supervising appraisers shall not be employed by a trainee or by a company, firm, or partnership in which the trainee has a controlling interest.

(h) Only one trainee may receive credit for providing real property appraisal assistance on an appraisal report.

History Note: Authority G.S. 93E-1-6.1; 93E-1-10; 93E-1-12; Eff. July 1, 1994;

Amended Eff. January 1, 2015; July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; August 1, 2002; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. July 1, 2026; December 31, 2025; May 1, 2020; July 1, 2019.

21 NCAC 57A .0601 REPORTING EXPERIENCE CREDIT

(a) Applicants for licensure or certification shall meet the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. An applicant shall obtain the required experience by performing or reviewing appraisals using appraisal methods and processes that are employed by real estate appraisers and shall comply with the edition of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal, in addition to meeting the applicable requirements set forth in this Section.

(b) Except as provided in Paragraphs (c) through (e) of this Rule, applicants shall use the Appraisal Board's appraisal experience log to report appraisal experience. The appraisal experience log is available on the Board's website at www.ncappraisalboard.org.

(1) The Log shall contain the following:

- (A) the applicant's name and signature;
- (B) the supervisor's name and signature;
- (C) the supervisor's certificate number;
- (D) the date the supervisor signed the log;
- (E) the subject property address;
- (F) the date the appraisal report was signed;
- (G) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
- (H) the client's name;
- (I) the applicant's file number for the appraisal assignment, if any;
- (J) the number of verifiable work hours by the trainee applicant on the assignment;
- (K) whether the supervisory appraiser accompanied the applicant on the inspection of the subject property; and
- (L) a description of the work performed by the applicant and the level of review and supervision by his or her supervisor on each assignment.

(c) In the alternative, applicants for licensure may complete the requirements of a Practical Applications of Real Estate Appraisal (PAREA) program as established in the Real Property Appraiser Qualification Criteria and approved by The Appraisal

Foundation's Appraiser Qualifications Board, and shall submit a certificate of completion.

(d) In the alternative, applicants for residential certification may complete the requirements of a PAREA program, and shall submit a certificate of completion along with an experience log demonstrating they have completed at least 15 appraisal reports. The Appraisal Board shall select five reports and workfiles to review for compliance with USPAP.

- (1) Applicants shall use the Appraisal Board's PAREA experience log to report appraisal experience. The PAREA experience log is available on the Board's website at www.ncappraisalboard.org.
- (2) The PAREA experience log shall contain the following:
 - (A) the applicant's name and signature;
 - (B) the date the log was signed;
 - (C) the date the appraisal report was signed;
 - (D) the subject property address;
 - (E) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
 - (F) the property type; and
 - (G) a description of the work performed by the applicant.

(e) In the alternative, applicants for licensure or certification may complete a Practicum course as established in the Real Property Appraiser Qualification Criteria and approved by The Appraisal Foundation's Appraisal Qualifications Board, and shall submit a certificate of completion along with an experience log demonstrating they have completed at least 15 appraisal reports. The Board will select five reports to review for compliance with USPAP.

- (1) Applicants shall use the Appraisal Board's Practicum experience log to report appraisal experience. The Practicum appraisal experience log is available on the Board's website at www.ncappraisalboard.org.
- (2) The Practicum experience log shall contain the following:
 - (A) the applicant's name and signature;
 - (B) the instructor's name and signature;
 - (C) the instructor's certificate number;
 - (D) the date the log was signed;
 - (E) the subject property address;
 - (F) the date the appraisal report was signed;
 - (G) the report type, such as an appraisal report, a restricted appraisal report, or the type of reporting form used;
 - (H) the client's name, if any;
 - (I) the applicant's file number for the appraisal assignment, if any;
 - (J) the number of verifiable work hours by the trainee applicant on the assignment;

- (K) whether the instructor accompanied the applicant on the inspection of the subject property; and
- (L) a description of the work performed by the applicant and the level of review and supervision of his or her instructor on each assignment.

(f) Applicants shall retain all versions of all appraisal reports and their associated workfiles to support all appraisal experience reported on any experience log.

History Note: Authority G.S. 93E-1-6.1; 93E-1-10;

Eff. July 1, 2016;

Amended Eff. July 1, 2026, December 31, 2025; May 1, 2020.

21 NCAC 57A .0604 TYPES OF APPRAISAL EXPERIENCE

(a) An applicant may receive experience credit for standard appraisals, review appraisals, and demonstration appraisals. In the alternative, applicants for licensure or certification may complete the requirements of a Practical Applications of Real Estate Appraisal (PAREA) program or Practicum course as established in the Real Property Appraiser Qualification Criteria and approved by The Appraisal Foundation's Appraiser Qualifications Board, shall submit a certificate of completion, and shall meet any additional requirements set forth in Rule .0601 of this Subchapter.

(b) A "standard appraisal" is the process of developing an appraisal in accordance with Uniform Standards of Professional Appraisal Practice (USPAP) and preparing a written or oral appraisal report or file memorandum describing the appraisal and reporting the estimate of value.

(c) A "review appraisal" is the process of reviewing an appraisal report in accordance with USPAP that is prepared by another appraiser and preparing a separate written or oral appraisal report or file memorandum setting forth the results of the review process.

(d) A "demonstration appraisal" is an appraisal performed without a client and in accordance with USPAP. If a trainee performs a demonstration appraisal, the trainee's supervisor shall sign the appraisal in order for the trainee to receive experience credit for it.

History Note: Authority G.S. 93E-1-10;

Eff. July 1, 2016;

Amended Eff. July 1, 2026; December 31, 2025.

21 NCAC 57A .0605 REPORTING APPRAISAL EXPERIENCE

History Note: Authority G.S. 93E-1-6.1; 93E-1-10;

Eff. July 1, 2016;

Amended Eff. December 31, 2025; September 1, 2019;

Repealed Eff. July 1, 2026.

21 NCAC 57B .0207 ADMINISTRATION

One person shall be designated as the Director for each approved school or course sponsor and shall be responsible for administrative matters such as program development, scheduling of classes, advertising, maintenance of facilities and equipment, record keeping, and general supervision of the instruction

program. The Director shall ensure that the policies and general operations of the school or course sponsor comply with the provisions of Sections .0200 and .0300 of this Subchapter. Except for the approved schools or course sponsors offering only the 8-hour Valuation Bias and Fair Housing course, the Director shall meet the fitness standards for applicants for trainee registration or appraiser licensure or certification. The Director shall:

- (1) have a baccalaureate or higher degree in the field of education; or
- (2) have at least two years full time experience within the past 10 years as an instructor or school administrator; or
- (3) meet the minimum appraisal education and experience qualifications listed in 21 NCAC 57B .0306 to teach either the residential or general appraisal precertification courses; or
- (4) possess qualifications which are found by the Board to be substantially equivalent to Item (1), (2), or (3) of this Rule.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10; Eff. July 1, 1994; Amended Eff. July 1, 2014; September 1, 2008; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. July 1, 2026.

21 NCAC 57B .0306 INSTRUCTOR REQUIREMENTS

(a) Except for guest lecturers as set forth in Paragraph (b) of this Rule, all courses that qualify for credit pursuant to this Section shall be taught by instructors who meet the following minimum qualifications:

- (1) for residential appraiser courses, the instructor shall:
 - (A) have two years' full-time experience, consisting of 1500 hours per year, as a certified residential or general real estate appraiser within the previous five years, with at least one-half of the experience in residential property appraising; and
 - (B) be a current certified residential or general real estate appraiser.
- (2) for general appraiser courses, the instructor shall:
 - (A) have three years' full-time experience as a general real estate appraiser within the previous five years, with at least one-half of the experience in income property appraising; and
 - (B) currently be and has been a certified general real estate appraiser for at least five years.
- (3) for USPAP courses, the instructor shall:
 - (A) currently be a certified residential or a certified general appraiser; and
 - (B) be certified by the Appraiser Qualifications Board of the Appraisal Foundation as an instructor for the

National USPAP Course. If a USPAP instructor fails to renew or loses his or her certification by the Appraiser Qualifications Board, the instructor shall stop teaching and notify the Appraisal Board of the loss of certification.

- (4) for statistics, modeling and finance courses, the instructor shall:
 - (A) have previously completed the statistics, modeling and finance course; or
 - (B) have completed three semester hours of statistics from a regionally accredited college or university.
- (5) for the 8-hour Valuation Bias and Fair Housing Laws and Regulations courses that do not have course approval through The Appraisal Foundation's Appraisal Qualifications Board Course Approval Program, the instructor shall:
 - (A) have a bachelor's degree in any field and three years of experience directly related to the subject matter to be taught;
 - (B) have a master's degree in any field and one year of experience directly related to the subject matter to be taught;
 - (C) have a master's or higher degree in a field that is directly related to the subject matter to be taught;
 - (D) have five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or
 - (E) be a certified residential or certified general appraiser and have previously completed the 8-hour Valuation Bias and Fair Housing Laws and Regulations class within five years of application.

(b) Guest lecturers who do not possess the qualifications set forth in Paragraph (a) of this Rule may teach collectively up to one-fourth of any course, if each guest lecturer possesses education and experience in the subject area about which the lecturer is teaching.

(c) Instructors shall conduct their classes in a manner that demonstrates knowledge of the subject matter being taught and mastery of the following teaching skills:

- (1) The ability to utilize illustrative examples, and to respond to questions from students;
- (2) The ability to utilize varied instructive techniques other than straight lecture, such as class discussion;
- (3) The ability to utilize instructional aids to enhance learning;
- (4) The ability to maintain a learning environment and control of a class; and
- (5) The ability to interact with students in a professional and non-discriminatory manner.

(d) Upon request of the Board, an instructor or proposed instructor shall submit to the Board a recording that depicts the instructor teaching portions of a qualifying course, in order to ensure that all requirements of this Rule are being met.

(e) The inquiry into determining whether to approve an instructor shall include consideration of whether the instructor has ever had any disciplinary action taken or has a disciplinary action pending against his or her appraisal license or certificate or any other professional license or certificate in North Carolina or any other state. If the instructor has any pending criminal charges in this or any state, they shall be reviewed as set forth in G.S. 93B-8.1 in determining whether to approve the instructor. An instructor shall not have received any disciplinary action against his or her appraisal license or certificate from the State of North Carolina or any other state within the previous two years. For the purposes of this Section, disciplinary action means a reprimand, suspension (whether active or inactive), or a revocation.

(f) Proposed qualifying course instructors who do not meet the minimum appraisal education and experience qualifications listed in Paragraph (a) of this Rule, and who seek to have their qualifications determined by the Board to be equivalent to the qualifications listed in Paragraph (a) of this Rule, shall supply the Board with copies of sample appraisal reports or other evidence of experience.

(g) Persons desiring to become instructors for qualifying courses shall file an instructor application for qualifying education and be approved by the Board. There is no fee for application for instructor approval. Once an instructor has been approved to teach a specific qualifying course, that person may teach the course at any school or for any course sponsor approved by the Appraisal Board to offer qualifying courses. The instructor application form shall include the following information:

- (1) the instructor's name, address, phone number, and email address;
- (2) a list of course providers the instructor will be teaching for;
- (3) the programs the instructor is seeking approval for;
- (4) the instructor's licensing and certification history;
- (5) whether the instructor has ever been denied a trainee registration, or appraiser license, or certificate in this State or any other state;
- (6) whether the instructor has any disciplinary action taken against a trainee registration, appraiser license or certificate in NC or any other state;
- (7) whether the instructor has had any disciplinary action within the past three years or pending complaints or charges pending against any professional license in this State;
- (8) the instructor's college education, appraisal education, appraisal experience, and description of work experience; and
- (9) the signature of applicant.

(h) Current Appraisal Board members shall not be eligible to teach qualifying courses during their term of office on the Board.

(i) Approval of qualifying education course instructors expires on December 31 immediately following the date of approval.

Applications for renewal of Board approval shall be filed with the Board annually on or before December 1.

History Note: Authority G.S. 93E-1-8(a); 93E-1-10;

Eff. July 1, 1994;

Amended Eff. July 1, 2014; July 1, 2010; September 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; July 1, 2003; August 1, 2002;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. July 1, 2026; June 1, 2020; May 1, 2020; July 1, 2019.

21 NCAC 57B .0603 CRITERIA FOR COURSE APPROVAL

The following requirements shall be satisfied in order for course sponsors to obtain approval of a course for appraiser continuing education credit:

- (1) The subject matter of the course shall comply with the requirements of Rule .0204 of Subchapter 57A and the information to be provided in the course shall be both accurate and current.
- (2) The course shall involve a minimum of two hours of instruction on acceptable subject matter as outlined in 21 NCAC 57A .0204(c). A classroom hour consists of 50 minutes of classroom instruction and 10 minutes of break time. Instruction shall be given for the full number of hours for which credit is given. Instructors shall not accumulate unused break time to end the class early.
- (3) The course instructor(s) shall:
 - (a) possess the fitness for licensure required of applicants for trainee registration, real estate appraiser licensure, or certification; and
 - (b) have either:
 - (i) two years' full-time experience that is related to the subject matter to be taught;
 - (ii) a baccalaureate or higher degree in a field that is related to the subject matter to be taught;
 - (iii) two years' full-time experience teaching the subject matter to be taught; or
 - (iv) an equivalent combination of such education and experience.
- (4) The course shall be one involving a qualified instructor who, except as noted in Item (5) of this Rule, shall be physically present in the classroom at all times, and shall personally provide the instruction for the course. The course instructor may utilize video instruction, or similar types of instruction by other persons

to enhance or supplement his or her personal instruction; however, such other persons shall not be considered to be the course instructor and the course instructor shall be physically present when such indirect instruction by other persons is being utilized. The instructor shall comply with Rule .0306(c) of this Subchapter. Instructors for the National USPAP courses shall be certified by the Appraiser Qualifications Board of the Appraisal Foundation. Current Appraisal Board members shall not teach continuing education courses during their term of office on the Board.

- (5) Course sponsors may offer all continuing education classes via distance education as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. A sponsor seeking approval of a computer-based education course shall provide the Board access to the course via the internet at a date and time satisfactory to the Board and the Board shall not be charged any fee for such access. A course completion certificate shall be forwarded to the student as stated in Rule .0607 of this Section, and a course roster shall be sent to the Appraisal Board in accordance with Rule .0608 of this Section.
- (6) The course shall be an educational program intended to improve the knowledge, skill and competence of trainees, and licensed and certified real estate appraisers.
- (7) The course sponsor shall certify that the course shall be conducted in accordance with the operational requirements stated in Rule .0606 of this Section and that the course sponsor will comply with all other applicable rules contained in this Section.
- (8) The course title shall not include the words "Uniform Standards of Professional Appraisal Practice" or "USPAP" unless the course is either the 15-hour National USPAP course or the 7-hour National USPAP Continuing Education course. If the course is the 7-hour National USPAP Continuing Education course, the course title shall state which edition of USPAP will be taught in that specific course.
- (9) Each course shall utilize a textbook or course materials that have been approved by the Board.
- (10) If the course content is related to technology, such as software, hardware, electronic devices, manuals, or databases, the course shall be developed specifically for utilization in the real estate appraisal business in order to be approved for continuing education credit. Such courses shall not require the student to purchase specific products, and the course shall not be

used to sell or advertise particular products or software.

History Note: Authority G.S. 93E-1-8(c); 93E-1-10; Eff. July 1, 1994; Amended Eff. January 1, 2015; July 1, 2010; January 1, 2008; March 1, 2007; March 1, 2006; July 1, 2005; July 1, 2003; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. July 1, 2026; February 1, 2024; July 1, 2022; September 1, 2019.

21 NCAC 57B .0614 INSTRUCTORS FOR THE SUPERVISOR/TRAINEE COURSE

- (a) Instructors for the supervisor/trainee course set forth in G.S. 93E-1-6.1 shall meet the requirements of a supervisor as outlined in 21 NCAC 57A .0407(b)(1) and (b)(8).
- (b) Persons who wish to teach the supervisor/trainee course shall be approved by the Board before they may teach this course. Approval of a supervisor/trainee course instructor authorizes the instructor to teach the course for any approved course sponsor.
- (c) Applicants who wish to become instructors for the supervisor/trainee course shall, within three years of applying, complete the trainee supervision course with a Board approved sponsor, before they may be approved.
- (d) Approval of supervisor/trainee course instructors expires on December 31 immediately following the date of approval. Applications for renewal of Board approval shall be filed with the Board annually on or before December 1.

History Note: Authority G.S. 93E-1-6.1; 93E-1-8(c); 93E-1-10; Eff. July 1, 2014; Amended Eff. July 1, 2016; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. July 1, 2026; July 1, 2022; May 1, 2020.

21 NCAC 57D .0204 PAYMENT OF FEES TO THE BOARD

Payments to the Board for fees that are returned unpaid are cause for registration denial, suspension, or revocation.

History Note: Authority G.S. 93E-2-3; 93E-2-8(a)(7); Eff. January 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017; Amended Eff. July 1, 2026.

21 NCAC 57D .0305 APPRAISER COMPETENCY

Before an appraiser is added to a panel, an appraisal management company shall require the appraiser to declare in writing the appraiser's areas of geographic competency, the types of properties the appraiser is competent to appraise, and the methodologies the appraiser is competent to perform. The appraisal management company shall request the appraiser to update this information at least annually, and shall keep copies of

any such declarations for a period of five years from the date they are submitted.

*History Note: Authority G.S. 93E-2-3; 93E-2-4(b);
Eff. January 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2026.*

21 NCAC 57D .0401 BUSINESS PRACTICES

(a) An appraisal management company shall not:

- (1) prohibit an appraiser from stating on an appraisal the fee the appraiser was paid by the company for the appraisal;
- (2) prohibit an appraiser from stating on an appraisal the appraiser's primary business address; or

- (3) prohibit an appraiser from informing a property owner, lender, or any other person or entity the appraiser's primary business address.

(b) An appraisal management company shall conduct its appraisal management services in accordance with the requirements of Section 129E(a)-(i) of the Truth in Lending Act, 15 U.S.C. 1639e(a)-(i), and regulations thereunder, incorporated herein by reference including all subsequent amendments, and may be found on the Board website at www.ncappraisalboard.org/additional-resources at no cost.

*History Note: Authority G.S. 93E-2-3; 93E-2-7;
Eff. January 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. October 3, 2017;
Amended Eff. July 1, 2026.*

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on August 27, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Bill Nelson (2nd Vice-Chair)
Jeanette Doran
John Hahn
Jeff Hyde
Wyatt Dixon, III

Appointed by House

Jake Parker (Chair)
Paul Powell (1st Vice-Chair)
Wayne R. Boyles, III
Randy Overton

COMMISSION COUNSEL

Seth M. Ascher	984-236-1934
Travis Wiggs	984-236-1929
Christopher S. Miller	984-236-1935

RULES REVIEW COMMISSION MEETING DATES

August 27, 2026	October 29, 2026
September 29, 2026	November 24, 2026

RULES REVIEW COMMISSION MEETING MINUTES June 25, 2026

The Rules Review Commission met on Thursday, June 25, 2026, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne Ronald Boyles, III, Wyatt Dixon, III, Jeanette Doran, Jeff Hyde, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

Staff members Alexander Burgos, Commission Counsel Seth Ascher, Travis Wiggs, and Christopher Miller were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Parker presiding.

The Chair recognized the interns representing the John Locke Foundation and the North Carolina Department of Justice who were present at the meeting.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the May 28-29, 2026 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS

Council of State

06 NCAC 01 .0108, .0110, .0111, .0112, .0113, .0114; 02 .0105, .0106, .0107, .0108; and 04 .0104 were unanimously approved.

The Commission objected to 06 NCAC 04 .0103 finding that the rule did not satisfy the standards of G.S. 150B-21.9(a). Specifically, the Commission objected to the rule pursuant to G.S. 150B-21.9(a)(1) and (2), on the basis of lack of statutory authority and clarity and ambiguity.

06 NCAC 01 .0109 was withdrawn at the request of the agency. No action was required by the Commission.

Child Care Commission

10A NCAC 09 .2102 – The time for the agency to respond to the Commission's objection from the May meeting has not expired. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Board of Agriculture

The Commission voted to extend the period of review for 02 NCAC 31A .0101, .0102; 31C .0101, .0102, .0103, .0104; 38 .0101, .0102, .0201, .0202, .0203, .0204, .0205, .0301, .0401, .0501, .0502, .0504, .0505, .0507, .0508, .0601, .0602, .0603, .0604, .0701, .0702, .0703, .0704, .0705, .0801, .0802, .0803, .0804; 46 .0101, .0102; and 60B .2001 until the July 30, 2026 meeting.

Criminal Justice Education and Training Standards Commission

12 NCAC 09B .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608; 09E .0107; 09G .0305, 09G .0411, and .0412 were unanimously approved.

Holly Cardoza, the rulemaking coordinator for the agency, addressed the Commission.

Department of Labor

13 NCAC 07F .0502; 19 .0101, .0102, .0201, .0301, .0302, .0401, .0402, .0501, .0502, .0601, .0602, .0603, .0604, .0605, .0701, and .0702 were withdrawn at the request of the agency. No action was required by the Commission.

Coastal Resources Commission

15A NCAC 07B .0601, .0701, .0702, .0801, .0802, .0803, and .0804 were approved with Commissioners Dixon, Doran, Hyde, Overton, and Parker voting in favor of approving the rules and Commissioner Boyles voting against approving the rules.

State Board of Education

16 NCAC 06C .0101, .0401, .0402, .0403, .0404, .0405, .0406, .0409, .0411; 06D .0106; 06E .0201, .0204, .0205, .0207, .0209, .0211, .0215, .0301, .0302, .0303, .0304, and .0305 were unanimously approved.

Board of Licensed Clinical Mental Health Counselors

21 NCAC 53 .0505 was unanimously approved.

In accordance with G.S. 150B-21.3(b2), the Commission received ten letters of objection clearly requesting legislative review and a delayed effective date for 21 NCAC 53 .0505.

Appraisal Board

21 NCAC 57A .0201, .0204, .0207, .0402, .0403, .0405, .0407, .0601, .0604, .0605; 57B .0207, .0306, .0603, .0614; 57D .0204, .0305, and .0401 were unanimously approved.

21 NCAC 57D .0304 was withdrawn at the request of the agency. No action was required by the Commission.

FILINGS PURSUANT TO G.S. 150B-21.5(C1)

Department of Labor

13 NCAC 07F .0502 - The filing of this rule with the Commission is to allow members of the public to request legislative review. No letters requesting legislative review were received. No action was required by the Commission.

EXISTING RULES REVIEW

Department of Administration

01 NCAC 17 - The Commission unanimously approved the report as submitted by the agency.

01 NCAC 39 - The Commission unanimously approved the report as submitted by the agency.

01 NCAC 40 - The Commission unanimously approved the report as submitted by the agency.

01 NCAC 44 - The Commission unanimously approved the report as submitted by the agency.

Commission for Public Health

10A NCAC 41C - The Commission unanimously approved the report as submitted by the agency.

Alcoholic Beverage Control Commission

14B NCAC 15B - The Commission unanimously approved the report as submitted by the agency.

Department of Revenue

17 NCAC 01 - The Commission unanimously approved the report as submitted by the agency.

17 NCAC 10 - The Commission unanimously approved the report as submitted by the agency.

17 NCAC 11 - The Commission unanimously approved the report as submitted by the agency.

17 NCAC 12 - The Commission unanimously approved the report as submitted by the agency.

Real Estate Commission

21 NCAC 58 - The Commission unanimously approved the report as submitted by the agency.

State Human Resources Commission

25 NCAC 01H - The Commission unanimously approved the report as submitted by the agency.

25 NCAC 01I - The Commission unanimously approved the report as submitted by the agency.

25 NCAC 01J - The Commission unanimously approved the report as submitted by the agency.

READOPTIONS**Department of Administration**

01 NCAC 01A, 01B, 01C, 04A, 25 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Plant Conservation Board

02 NCAC 48F - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Board of Agriculture

02 NCAC 52B, C, D, E, F, G, H, I - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Tobacco Trust Fund Commission

02 NCAC 57 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

State Board of Elections

08 NCAC 01, 02, 03, 04, 05, 06B, 09,10B - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Medical Care Commission

10A NCAC 13P – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Commission for Mental Health/DD/SAS

10A NCAC 26E, 26F - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Commission for Public Health

10A NCAC 46, 48A, 48B – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than March 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Commission for Public Health

10A NCAC 47A, 47B, 47C - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

Department of Labor

13 NCAC 15, 20 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than January 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

Capital Facilities Finance Agency

20 NCAC 09 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Board of Examiners of Electrical Contractors

21 NCAC 18B - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

The Chair gave updates on the CRC v. RRC and CJETS v. RRC litigation.

The Chair opened the floor for questions from the interns in attendance.

Alex Sermiento, an intern with the Department of Justice, addressed the Commission.

Vanessa Gonzalez, an intern with the Department of Justice, addressed the Commission.

The meeting adjourned at 10:33 a.m.

The next regularly scheduled meeting of the Commission is Thursday, July 30, 2026, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Jake Parker, Chair

June 25, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Emily Wiley	NCDOT
Sarah Zambson	NCDOJ
Jean Spooner	Unstretd Coalition
Doug Brooke	NCBLCMHC - Broker Law Firm
JESSICA MAJOR	NC DOJ
Blake Thomas	OSBM / Council of State
Holly Cardoza	NC DOJ
Laura Hansford	NC DOR
Julie Ventaloro	OSBM
Ann Wain	SOS
Jonathan Furgur	NC DOR
Cody Snipes	Locke
Dylan Coombs	Locke
Colin Tierney	Locke
Spencer Bluth	Locke
Michael Regner	NC DOJ
Vanessa Gonzalez	NC DOJ.
Sonum Rainpal	NC DOJ
Sage Crosby	NC DOJ
Megan Melamarche	NC DOJ
Charlie Armstrong	NC DOJ

RULES REVIEW COMMISSION

June 25, 2026

Rules Review Commission
Meeting
Please Print Legibly

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Rules Review Commission Meeting June 25, 2026 Via Webex

Name	Agency
Smith, Kal Z	dhhs.nc.gov
Christina Young	dhhs.nc.gov
Cheryl Johnson	dhhs.nc.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Ashley Snyder	labor.nc.gov
Christopher Bullard	labor.nc.gov
Ryan Collins	dpi.nc.gov
Cindy Aiken	nctreasurer.com
Laura Rowe	nctreasurer.com
Adam Steele	ncsbe.gov
Gabrielle McKeithen	doa.nc.gov
Wilhemina Baker	dhhs.nc.gov
Alisha Benjamin	ncdoi.gov
Jennifer Everett	deq.nc.gov
Angela Willis	deq.nc.gov
Rachel Love-Adrick	deq.nc.gov
Catherine Blum	deq.nc.gov
Marilyn Smalls	abc.nc.gov
Elly Young	ncdoj.gov
Beth McKay	hntb.com
Sondra Panico	ncdoj.gov
Marnie Jones	ncbdn.org
Renee Metz	abc.nc.gov
Don Rodgers	ncab.org
NC Appraisal Board	ncab.org
Melonie Davis	ncblcmhc.org
Stephen Pelfrey	ncdor.gov
Tia	roboro.ai
Whitney Waldenberg	brockrlawfirm.com
Misty Piekaar	dhhs.nc.gov
Kristen Fetter	ncrec.gov
Shanah Black	dhhs.nc.gov
John Hahn	mayerbrown.com
Elizabeth Pope	ncswboard.gov
Ken Schuesselin	bcbsnc.com
Serena Samuels	oah.nc.gov
Anne Coan	ncfb.org
Melissa Vuotto	ncrec.gov



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

June 25, 2026

Donya Strong

Sent via email to: donya.strong@doa.nc.gov

Re: Readoption deadline for 01 NCAC 01A, 01B, 01C, 04A, 25

Dear Ms. Strong:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 25, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
 Periodic Rule Review
 January 29, 2026
 APO Review: April 01, 2026
 Administration, Department of
 Total: 70

RRC Determination:

01	NCAC 01A	.0301	Necessary	01	NCAC 04A	.0901	Necessary
01	NCAC 01A	.0302	Necessary	01	NCAC 25	.0107	Necessary
01	NCAC 01B	.0107	Necessary	01	NCAC 25	.0108	Necessary
01	NCAC 01B	.0207	Necessary	01	NCAC 25	.0209	Necessary
01	NCAC 01B	.0208	Necessary	01	NCAC 25	.0210	Necessary
01	NCAC 01B	.0209	Necessary	01	NCAC 25	.0211	Necessary
01	NCAC 01B	.0210	Necessary	01	NCAC 25	.0212	Necessary
01	NCAC 01B	.0306	Necessary	01	NCAC 25	.0213	Necessary
01	NCAC 01B	.0308	Necessary	01	NCAC 25	.0214	Necessary
01	NCAC 01B	.0405	Necessary	01	NCAC 25	.0215	Necessary
01	NCAC 01B	.0406	Necessary	01	NCAC 25	.0301	Necessary
01	NCAC 01B	.0407	Necessary	01	NCAC 25	.0302	Necessary
01	NCAC 01B	.0408	Necessary	01	NCAC 25	.0303	Necessary
01	NCAC 01B	.0409	Necessary	01	NCAC 25	.0401	Necessary
01	NCAC 01B	.0505	Necessary	01	NCAC 25	.0402	Necessary
01	NCAC 01B	.0506	Necessary	01	NCAC 25	.0501	Necessary
01	NCAC 01B	.0601	Necessary	01	NCAC 25	.0502	Necessary
01	NCAC 01B	.0602	Necessary	01	NCAC 25	.0503	Necessary
01	NCAC 01B	.0603	Necessary	01	NCAC 25	.0504	Necessary
01	NCAC 01B	.0604	Necessary	01	NCAC 25	.0505	Necessary
01	NCAC 01B	.0605	Necessary	01	NCAC 25	.0506	Necessary
01	NCAC 01C	.0101	Necessary	01	NCAC 25	.0601	Necessary
01	NCAC 01C	.0102	Necessary	01	NCAC 25	.0602	Necessary
01	NCAC 01C	.0103	Necessary	01	NCAC 25	.0603	Necessary
01	NCAC 01C	.0104	Necessary	01	NCAC 25	.0604	Necessary
01	NCAC 01C	.0105	Necessary	01	NCAC 25	.0605	Necessary
01	NCAC 01C	.0106	Necessary	01	NCAC 25	.0606	Necessary
01	NCAC 04A	.0201	Necessary	01	NCAC 25	.0701	Necessary
01	NCAC 04A	.0202	Necessary	01	NCAC 25	.0702	Necessary
01	NCAC 04A	.0701	Necessary	01	NCAC 25	.0703	Necessary
01	NCAC 04A	.0702	Necessary	01	NCAC 25	.0704	Necessary
01	NCAC 04A	.0703	Necessary	01	NCAC 25	.0801	Necessary
01	NCAC 04A	.0704	Necessary	01	NCAC 25	.0802	Necessary
01	NCAC 04A	.0802	Necessary	01	NCAC 25	.0901	Necessary
01	NCAC 04A	.0804	Necessary				
01	NCAC 04A	.0806	Necessary				



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

June 26, 2026

Anna Hayworth, Plant Conservation Board
Sent via email only to: Anna.Hayworth@ncagr.gov

Re: Readoption deadline for 02 NCAC 48F

Dear Ms. Hayworth,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
02 NCAC 48F	January 1, 2030

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
December 18, 2025
APO Review: February 18, 2026
Plant Conservation Board
Total: 12

RRC Determination: Necessary

02	NCAC 48F	.0301	Necessary
02	NCAC 48F	.0305	Necessary
02	NCAC 48F	.0306	Necessary
02	NCAC 48F	.0401	Necessary
02	NCAC 48F	.0402	Necessary
02	NCAC 48F	.0405	Necessary
02	NCAC 48F	.0407	Necessary
02	NCAC 48F	.0409	Necessary
02	NCAC 48F	.0410	Necessary
02	NCAC 48F	.0411	Necessary
02	NCAC 48F	.0412	Necessary
02	NCAC 48F	.0413	Necessary



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

June 26, 2026

Anna Hayworth, Board of Agriculture

Sent via email only to: Anna.Hayworth@ncagr.gov

Re: Readoption deadline for 02 NCAC 52B, C, D, E, F, G, H, I

Dear Ms. Hayworth,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
02 NCAC 52B C, D, E, F, G, H, I	January 1, 2030

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
 Periodic Rule Review
 December 18, 2025
 APO Review: February 18, 2026
 Agriculture, Board of
 Total: 104

RRC Determination: Necessary

02	NCAC 52B	.0101	Necessary	02	NCAC 52C	.0101	Necessary
02	NCAC 52B	.0102	Necessary	02	NCAC 52C	.0102	Necessary
02	NCAC 52B	.0201	Necessary	02	NCAC 52C	.0103	Necessary
02	NCAC 52B	.0202	Necessary	02	NCAC 52C	.0104	Necessary
02	NCAC 52B	.0203	Necessary	02	NCAC 52C	.0105	Necessary
02	NCAC 52B	.0204	Necessary	02	NCAC 52C	.0201	Necessary
02	NCAC 52B	.0206	Necessary	02	NCAC 52C	.0202	Necessary
02	NCAC 52B	.0207	Necessary	02	NCAC 52C	.0301	Necessary
02	NCAC 52B	.0209	Necessary	02	NCAC 52C	.0302	Necessary
02	NCAC 52B	.0212	Necessary	02	NCAC 52C	.0401	Necessary
02	NCAC 52B	.0213	Necessary	02	NCAC 52C	.0402	Necessary
02	NCAC 52B	.0214	Necessary	02	NCAC 52C	.0501	Necessary
02	NCAC 52B	.0301	Necessary	02	NCAC 52C	.0502	Necessary
02	NCAC 52B	.0302	Necessary	02	NCAC 52C	.0601	Necessary
02	NCAC 52B	.0303	Necessary	02	NCAC 52C	.0602	Necessary
02	NCAC 52B	.0304	Necessary	02	NCAC 52C	.0603	Necessary
02	NCAC 52B	.0401	Necessary	02	NCAC 52D	.0101	Necessary
02	NCAC 52B	.0405	Necessary	02	NCAC 52D	.0102	Necessary
02	NCAC 52B	.0406	Necessary	02	NCAC 52E	.0101	Necessary
02	NCAC 52B	.0407	Necessary	02	NCAC 52E	.0103	Necessary
02	NCAC 52B	.0408	Necessary	02	NCAC 52E	.0201	Necessary
02	NCAC 52B	.0409	Necessary	02	NCAC 52E	.0202	Necessary
02	NCAC 52B	.0410	Necessary	02	NCAC 52E	.0203	Necessary
02	NCAC 52B	.0411	Necessary	02	NCAC 52E	.0204	Necessary
02	NCAC 52B	.0412	Necessary	02	NCAC 52E	.0206	Necessary
02	NCAC 52B	.0501	Necessary	02	NCAC 52E	.0207	Necessary
02	NCAC 52B	.0502	Necessary	02	NCAC 52E	.0208	Necessary
02	NCAC 52B	.0503	Necessary	02	NCAC 52E	.0209	Necessary
02	NCAC 52B	.0601	Necessary	02	NCAC 52E	.0210	Necessary
02	NCAC 52B	.0602	Necessary	02	NCAC 52E	.0211	Necessary
02	NCAC 52B	.0603	Necessary	02	NCAC 52E	.0212	Necessary
02	NCAC 52B	.0604	Necessary	02	NCAC 52E	.0301	Necessary
02	NCAC 52B	.0605	Necessary	02	NCAC 52E	.0302	Necessary
02	NCAC 52B	.0606	Necessary	02	NCAC 52E	.0303	Necessary
02	NCAC 52B	.0607	Necessary	02	NCAC 52E	.0304	Necessary
02	NCAC 52B	.0608	Necessary	02	NCAC 52E	.0305	Necessary

02	NCAC 52E	.0306	Necessary
02	NCAC 52E	.0401	Necessary
02	NCAC 52E	.0402	Necessary
02	NCAC 52F	.0101	Necessary
02	NCAC 52F	.0102	Necessary
02	NCAC 52F	.0103	Necessary
02	NCAC 52F	.0104	Necessary
02	NCAC 52F	.0105	Necessary
02	NCAC 52F	.0106	Necessary
02	NCAC 52G	.0101	Necessary
02	NCAC 52G	.0102	Necessary
02	NCAC 52G	.0201	Necessary
02	NCAC 52G	.0202	Necessary
02	NCAC 52G	.0203	Necessary
02	NCAC 52G	.0301	Necessary
02	NCAC 52G	.0302	Necessary
02	NCAC 52G	.0303	Necessary
02	NCAC 52G	.0401	Necessary
02	NCAC 52G	.0402	Necessary
02	NCAC 52G	.0403	Necessary
02	NCAC 52H	.0101	Necessary
02	NCAC 52H	.0102	Necessary
02	NCAC 52H	.0103	Necessary
02	NCAC 52H	.0104	Necessary
02	NCAC 52I	.0101	Necessary
02	NCAC 52I	.0102	Necessary
02	NCAC 52I	.0103	Necessary
02	NCAC 52I	.0104	Necessary
02	NCAC 52I	.0105	Necessary
02	NCAC 52I	.0106	Necessary
02	NCAC 52I	.0107	Necessary
02	NCAC 52I	.0108	Necessary



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

June 26, 2026

William Upchurch, Tobacco Trust Fund

Sent via email only to: TobaccoTrustFund@ncagr.gov

Re: Readoption deadline for 02 NCAC 57

Dear Mr. Upchurch,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
02 NCAC 57	January 1, 2030

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
August 28, 2025
APO Review: October 29, 2025
Tobacco Trust Fund Commission
Total: 7

RRC Determination: Necessary

02 NCAC 57 .0101

02 NCAC 57 .0103

02 NCAC 57 .0204

02 NCAC 57 .0205

02 NCAC 57 .0207

02 NCAC 57 .0208

02 NCAC 57 .0209



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

June 26, 2026

Adam Steele, State Board of Elections

Sent via email only to: adam.steele.ncsbe.gov

Re: Readoption deadline for 08 NCAC 1, 2, 3, 4, 5, 6B, 9, 10B

Dear Mr. Steele,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
08 NCAC 1, 2, 3, 4, 5, 6B, 9, 10B	January 1, 2030

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher

Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
December 18, 2025
APO Review: February 18, 2026
Elections, State Board of
Total: 38

RRC Determination: Necessary

08	NCAC 01	.0101	Necessary	08	NCAC 10B	.0108	Necessary
08	NCAC 01	.0106	Necessary	08	NCAC 10B	.0109	Necessary
08	NCAC 01	.0107	Necessary				
08	NCAC 02	.0110	Necessary				
08	NCAC 02	.0111	Necessary				
08	NCAC 02	.0112	Necessary				
08	NCAC 02	.0113	Necessary				
08	NCAC 02	.0114	Necessary				
08	NCAC 03	.0101	Necessary				
08	NCAC 03	.0102	Necessary				
08	NCAC 03	.0103	Necessary				
08	NCAC 03	.0104	Necessary				
08	NCAC 03	.0105	Necessary				
08	NCAC 03	.0106	Necessary				
08	NCAC 03	.0201	Necessary				
08	NCAC 03	.0202	Necessary				
08	NCAC 04	.0301	Necessary				
08	NCAC 04	.0302	Necessary				
08	NCAC 04	.0304	Necessary				
08	NCAC 04	.0305	Necessary				
08	NCAC 04	.0306	Necessary				
08	NCAC 04	.0307	Necessary				
08	NCAC 05	.0111	Necessary				
08	NCAC 06B	.0103	Necessary				
08	NCAC 06B	.0104	Necessary				
08	NCAC 06B	.0105	Necessary				
08	NCAC 09	.0106	Necessary				
08	NCAC 09	.0107	Necessary				
08	NCAC 09	.0109	Necessary				
08	NCAC 10B	.0101	Necessary				
08	NCAC 10B	.0102	Necessary				
08	NCAC 10B	.0103	Necessary				
08	NCAC 10B	.0104	Necessary				
08	NCAC 10B	.0105	Necessary				
08	NCAC 10B	.0106	Necessary				
08	NCAC 10B	.0107	Necessary				



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

June 26, 2026

Shanah Black, Medical Care Commission
Sent via email only to: shanah.black@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 13P

Dear Ms. Black,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
10A NCAC 13P	May 1, 2030

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RULES REVIEW COMMISSION

RRC Determination
Periodic Rule Review
January 29, 2026
APO Review: April 01, 2026
Medical Care Commission
Total: 77

RRC Determination:

10A	NCAC 13P	.0101	Necessary	10A	NCAC 13P	.0502	Necessary
10A	NCAC 13P	.0102	Necessary	10A	NCAC 13P	.0503	Necessary
10A	NCAC 13P	.0201	Necessary	10A	NCAC 13P	.0504	Necessary
10A	NCAC 13P	.0203	Necessary	10A	NCAC 13P	.0505	Necessary
10A	NCAC 13P	.0204	Necessary	10A	NCAC 13P	.0506	Necessary
10A	NCAC 13P	.0205	Necessary	10A	NCAC 13P	.0507	Necessary
10A	NCAC 13P	.0206	Necessary	10A	NCAC 13P	.0508	Necessary
10A	NCAC 13P	.0207	Necessary	10A	NCAC 13P	.0509	Necessary
10A	NCAC 13P	.0208	Necessary	10A	NCAC 13P	.0510	Necessary
10A	NCAC 13P	.0209	Necessary	10A	NCAC 13P	.0511	Necessary
10A	NCAC 13P	.0210	Necessary	10A	NCAC 13P	.0512	Necessary
10A	NCAC 13P	.0211	Necessary	10A	NCAC 13P	.0513	Necessary
10A	NCAC 13P	.0212	Necessary	10A	NCAC 13P	.0601	Necessary
10A	NCAC 13P	.0213	Necessary	10A	NCAC 13P	.0602	Necessary
10A	NCAC 13P	.0214	Necessary	10A	NCAC 13P	.0605	Necessary
10A	NCAC 13P	.0215	Necessary	10A	NCAC 13P	.0901	Necessary
10A	NCAC 13P	.0216	Necessary	10A	NCAC 13P	.0904	Necessary
10A	NCAC 13P	.0217	Necessary	10A	NCAC 13P	.0905	Necessary
10A	NCAC 13P	.0218	Necessary	10A	NCAC 13P	.1003	Necessary
10A	NCAC 13P	.0219	Necessary	10A	NCAC 13P	.1101	Necessary
10A	NCAC 13P	.0220	Necessary	10A	NCAC 13P	.1102	Necessary
10A	NCAC 13P	.0221	Necessary	10A	NCAC 13P	.1103	Necessary
10A	NCAC 13P	.0222	Necessary	10A	NCAC 13P	.1401	Necessary
10A	NCAC 13P	.0223	Necessary	10A	NCAC 13P	.1402	Necessary
10A	NCAC 13P	.0224	Necessary	10A	NCAC 13P	.1403	Necessary
10A	NCAC 13P	.0301	Necessary	10A	NCAC 13P	.1404	Necessary
10A	NCAC 13P	.0302	Necessary	10A	NCAC 13P	.1405	Necessary
10A	NCAC 13P	.0305	Necessary	10A	NCAC 13P	.1501	Necessary
10A	NCAC 13P	.0401	Necessary	10A	NCAC 13P	.1502	Necessary
10A	NCAC 13P	.0402	Necessary	10A	NCAC 13P	.1503	Necessary
10A	NCAC 13P	.0403	Necessary	10A	NCAC 13P	.1504	Necessary
10A	NCAC 13P	.0404	Necessary	10A	NCAC 13P	.1505	Necessary
10A	NCAC 13P	.0405	Necessary	10A	NCAC 13P	.1506	Necessary
10A	NCAC 13P	.0406	Necessary	10A	NCAC 13P	.1507	Necessary
10A	NCAC 13P	.0407	Necessary	10A	NCAC 13P	.1508	Necessary
10A	NCAC 13P	.0408	Necessary	10A	NCAC 13P	.1509	Necessary
10A	NCAC 13P	.0409	Necessary	10A	NCAC 13P	.1510	Necessary
10A	NCAC 13P	.0410	Necessary	10A	NCAC 13P	.1511	Necessary
10A	NCAC 13P	.0501	Necessary				



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

June 25, 2026

Denise Baker

Sent via email to: denise.baker@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 26E, 26F

Dear Ms. Baker:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 25, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
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www.oah.nc.gov

RULES REVIEW COMMISSION

RRC Determination
Periodic Rule Review
January 29, 2026
APO Review: April 01, 2026
Mental Health/DD/SAS, Commission for
Total: 82

RRC Determination:

10A	NCAC 26E	.0101	Necessary	10A	NCAC 26E	.0306	Necessary
10A	NCAC 26E	.0102	Necessary	10A	NCAC 26E	.0307	Necessary
10A	NCAC 26E	.0103	Necessary	10A	NCAC 26E	.0308	Necessary
10A	NCAC 26E	.0104	Necessary	10A	NCAC 26E	.0401	Necessary
10A	NCAC 26E	.0105	Necessary	10A	NCAC 26E	.0402	Necessary
10A	NCAC 26E	.0106	Necessary	10A	NCAC 26E	.0403	Necessary
10A	NCAC 26E	.0107	Necessary	10A	NCAC 26E	.0404	Necessary
10A	NCAC 26E	.0108	Necessary	10A	NCAC 26E	.0405	Necessary
10A	NCAC 26E	.0109	Necessary	10A	NCAC 26E	.0406	Necessary
10A	NCAC 26E	.0110	Necessary	10A	NCAC 26E	.0407	Necessary
10A	NCAC 26E	.0111	Necessary	10A	NCAC 26E	.0408	Necessary
10A	NCAC 26E	.0112	Necessary	10A	NCAC 26E	.0409	Necessary
10A	NCAC 26E	.0113	Necessary	10A	NCAC 26E	.0410	Necessary
10A	NCAC 26E	.0114	Necessary	10A	NCAC 26E	.0501	Necessary
10A	NCAC 26E	.0115	Necessary	10A	NCAC 26E	.0502	Necessary
10A	NCAC 26E	.0116	Necessary	10A	NCAC 26E	.0503	Necessary
10A	NCAC 26E	.0117	Necessary	10A	NCAC 26E	.0504	Necessary
10A	NCAC 26E	.0118	Necessary	10A	NCAC 26E	.0505	Necessary
10A	NCAC 26E	.0119	Necessary	10A	NCAC 26E	.0506	Necessary
10A	NCAC 26E	.0120	Necessary	10A	NCAC 26E	.0601	Necessary
10A	NCAC 26E	.0121	Necessary	10A	NCAC 26E	.0602	Necessary
10A	NCAC 26E	.0122	Necessary	10A	NCAC 26E	.0603	Necessary
10A	NCAC 26E	.0123	Necessary	10A	NCAC 26E	.0604	Necessary
10A	NCAC 26E	.0124	Necessary	10A	NCAC 26E	.0605	Necessary
10A	NCAC 26E	.0125	Necessary	10A	NCAC 26F	.0101	Necessary
10A	NCAC 26E	.0126	Necessary	10A	NCAC 26F	.0102	Necessary
10A	NCAC 26E	.0127	Necessary	10A	NCAC 26F	.0103	Necessary
10A	NCAC 26E	.0128	Necessary	10A	NCAC 26F	.0104	Necessary
10A	NCAC 26E	.0129	Necessary	10A	NCAC 26F	.0105	Necessary
10A	NCAC 26E	.0201	Necessary	10A	NCAC 26F	.0106	Necessary
10A	NCAC 26E	.0202	Necessary	10A	NCAC 26F	.0107	Necessary
10A	NCAC 26E	.0301	Necessary	10A	NCAC 26F	.0108	Necessary
10A	NCAC 26E	.0302	Necessary	10A	NCAC 26F	.0109	Necessary
10A	NCAC 26E	.0303	Necessary	10A	NCAC 26F	.0110	Necessary
10A	NCAC 26E	.0304	Necessary	10A	NCAC 26F	.0111	Necessary
10A	NCAC 26E	.0305	Necessary	10A	NCAC 26F	.0112	Necessary

10A	NCAC 26F	.0113	Necessary
10A	NCAC 26F	.0114	Necessary
10A	NCAC 26F	.0115	Necessary
10A	NCAC 26F	.0116	Necessary
10A	NCAC 26F	.0117	Necessary
10A	NCAC 26F	.0118	Necessary
10A	NCAC 26F	.0119	Necessary
10A	NCAC 26F	.0120	Necessary
10A	NCAC 26F	.0121	Necessary
10A	NCAC 26F	.0122	Necessary



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

June 25, 2026

Virginia Niehaus

Sent via email to: virginia.niehaus@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 46, 48A, 48B

Dear Ms. Niehaus:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 25, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
 Periodic Rule Review
 November 20, 2025
 APO Review: January 21, 2026
 Public Health, Commission for
 Total: 66

RRC Determination:

10A	NCAC 46	.0201	Necessary	10A	NCAC 48B	.0502	Necessary
10A	NCAC 46	.0203	Necessary	10A	NCAC 48B	.0503	Necessary
10A	NCAC 46	.0204	Necessary	10A	NCAC 48B	.0601	Necessary
10A	NCAC 46	.0205	Necessary	10A	NCAC 48B	.0602	Necessary
10A	NCAC 46	.0206	Necessary	10A	NCAC 48B	.0701	Necessary
10A	NCAC 46	.0207	Necessary	10A	NCAC 48B	.0702	Necessary
10A	NCAC 46	.0208	Necessary	10A	NCAC 48B	.0703	Necessary
10A	NCAC 46	.0209	Necessary	10A	NCAC 48B	.0801	Necessary
10A	NCAC 46	.0210	Necessary	10A	NCAC 48B	.0802	Necessary
10A	NCAC 46	.0211	Necessary	10A	NCAC 48B	.0803	Necessary
10A	NCAC 46	.0213	Necessary	10A	NCAC 48B	.0804	Necessary
10A	NCAC 46	.0214	Necessary	10A	NCAC 48B	.0901	Necessary
10A	NCAC 46	.0215	Necessary	10A	NCAC 48B	.0902	Necessary
10A	NCAC 46	.0216	Necessary	10A	NCAC 48B	.0903	Necessary
10A	NCAC 46	.0301	Necessary	10A	NCAC 48B	.0904	Necessary
10A	NCAC 46	.0302	Necessary	10A	NCAC 48B	.1001	Necessary
10A	NCAC 48A	.0101	Necessary	10A	NCAC 48B	.1101	Necessary
10A	NCAC 48A	.0102	Necessary	10A	NCAC 48B	.1102	Necessary
10A	NCAC 48A	.0201	Necessary	10A	NCAC 48B	.1201	Necessary
10A	NCAC 48A	.0202	Necessary	10A	NCAC 48B	.1202	Necessary
10A	NCAC 48A	.0203	Necessary	10A	NCAC 48B	.1203	Necessary
10A	NCAC 48A	.0204	Necessary	10A	NCAC 48B	.1204	Necessary
10A	NCAC 48A	.0205	Necessary	10A	NCAC 48B	.1301	Necessary
10A	NCAC 48B	.0101	Necessary	10A	NCAC 48B	.1302	Necessary
10A	NCAC 48B	.0102	Necessary	10A	NCAC 48B	.1303	Necessary
10A	NCAC 48B	.0103	Necessary	10A	NCAC 48B	.1304	Necessary
10A	NCAC 48B	.0201	Necessary	10A	NCAC 48B	.1305	Necessary
10A	NCAC 48B	.0202	Necessary	10A	NCAC 48B	.1306	Necessary
10A	NCAC 48B	.0301	Necessary	10A	NCAC 48B	.1307	Necessary
10A	NCAC 48B	.0302	Necessary	10A	NCAC 48B	.1308	Necessary
10A	NCAC 48B	.0303	Necessary				
10A	NCAC 48B	.0304	Necessary				
10A	NCAC 48B	.0305	Necessary				
10A	NCAC 48B	.0401	Necessary				
10A	NCAC 48B	.0402	Necessary				
10A	NCAC 48B	.0501	Necessary				



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

June 26, 2026

Virginia Niehaus, Commission for Public Health
Sent via email only to: virginia.niehaus@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 47A, B, C

Dear Ms. Niehaus,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
10A NCAC 47A, B, C	September 1, 2028

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
October 30, 2025
APO Review: December 31, 2025
Public Health, Commission for
Total: 14

RRC Determination: Necessary

10A NCAC 47A .0101
10A NCAC 47A .0102
10A NCAC 47B .0101
10A NCAC 47B .0102
10A NCAC 47B .0103
10A NCAC 47B .0104
10A NCAC 47B .0105
10A NCAC 47B .0106
10A NCAC 47B .0109
10A NCAC 47C .0101
10A NCAC 47C .0102
10A NCAC 47C .0104
10A NCAC 47C .0105
10A NCAC 47C .0106



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

June 26, 2026

Ashley Snyder, Department of Labor
Sent via email only to: ashley.snyder@labor.nc.gov

Re: Readoption deadline for 13 NCAC 15, 20

Dear Ms. Snyder,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
13 NCAC 15, 20	January 1, 2027

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RULES REVIEW COMMISSION

RRC Determination
Periodic Rule Review
November 20, 2025
APO Review: January 21, 2026
Labor, Department of
Total: 76

RRC Determination: Necessary

13	NCAC 15	.0101	Necessary	13	NCAC 15	.0416	Necessary
13	NCAC 15	.0102	Necessary	13	NCAC 15	.0417	Necessary
13	NCAC 15	.0103	Necessary	13	NCAC 15	.0418	Necessary
13	NCAC 15	.0104	Necessary	13	NCAC 15	.0419	Necessary
13	NCAC 15	.0106	Necessary	13	NCAC 15	.0420	Necessary
13	NCAC 15	.0107	Necessary	13	NCAC 15	.0421	Necessary
13	NCAC 15	.0201	Necessary	13	NCAC 15	.0422	Necessary
13	NCAC 15	.0202	Necessary	13	NCAC 15	.0423	Necessary
13	NCAC 15	.0203	Necessary	13	NCAC 15	.0424	Necessary
13	NCAC 15	.0204	Necessary	13	NCAC 15	.0425	Necessary
13	NCAC 15	.0205	Necessary	13	NCAC 15	.0426	Necessary
13	NCAC 15	.0206	Necessary	13	NCAC 15	.0427	Necessary
13	NCAC 15	.0207	Necessary	13	NCAC 15	.0428	Necessary
13	NCAC 15	.0208	Necessary	13	NCAC 15	.0429	Necessary
13	NCAC 15	.0301	Necessary	13	NCAC 15	.0440	Necessary
13	NCAC 15	.0302	Necessary	13	NCAC 15	.0502	Necessary
13	NCAC 15	.0303	Necessary	13	NCAC 15	.0503	Necessary
13	NCAC 15	.0304	Necessary	13	NCAC 15	.0701	Necessary
13	NCAC 15	.0305	Necessary	13	NCAC 15	.0702	Necessary
13	NCAC 15	.0306	Necessary	13	NCAC 15	.0703	Necessary
13	NCAC 15	.0307	Necessary	13	NCAC 15	.0704	Necessary
13	NCAC 15	.0308	Necessary	13	NCAC 15	.0705	Necessary
13	NCAC 15	.0309	Necessary	13	NCAC 15	.0706	Necessary
13	NCAC 15	.0401	Necessary	13	NCAC 20	.0101	Necessary
13	NCAC 15	.0402	Necessary	13	NCAC 20	.0201	Necessary
13	NCAC 15	.0403	Necessary	13	NCAC 20	.0202	Necessary
13	NCAC 15	.0404	Necessary	13	NCAC 20	.0203	Necessary
13	NCAC 15	.0405	Necessary	13	NCAC 20	.0301	Necessary
13	NCAC 15	.0406	Necessary	13	NCAC 20	.0304	Necessary
13	NCAC 15	.0407	Necessary	13	NCAC 20	.0305	Necessary
13	NCAC 15	.0408	Necessary	13	NCAC 20	.0306	Necessary
13	NCAC 15	.0409	Necessary	13	NCAC 20	.0401	Necessary
13	NCAC 15	.0410	Necessary	13	NCAC 20	.0402	Necessary
13	NCAC 15	.0411	Necessary	13	NCAC 20	.0501	Necessary
13	NCAC 15	.0412	Necessary	13	NCAC 20	.0502	Necessary
13	NCAC 15	.0413	Necessary	13	NCAC 20	.0503	Necessary
13	NCAC 15	.0414	Necessary	13	NCAC 20	.0601	Necessary
13	NCAC 15	.0415	Necessary	13	NCAC 20	.0602	Necessary



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

June 25, 2026

Laura Rowe

Sent via email to: laura.rowe@nctreasurer.com

Re: Readoption deadline for 20 NCAC 09

Dear Ms. Rowe:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 25, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
January 29, 2026
APO Review: April 01, 2026
Capital Facilities Finance Agency
Total: 11

RRC Determination:

20	NCAC 09	.0101	Necessary
20	NCAC 09	.0102	Necessary
20	NCAC 09	.0201	Necessary
20	NCAC 09	.0202	Necessary
20	NCAC 09	.0301	Necessary
20	NCAC 09	.0401	Necessary
20	NCAC 09	.0403	Necessary
20	NCAC 09	.0501	Necessary
20	NCAC 09	.0502	Necessary
20	NCAC 09	.0601	Necessary
20	NCAC 09	.0602	Necessary



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

June 26, 2026

Reed Fountain, Electrical Contractors Examiners
Sent via email only to: reed.fountain@youngmoorelaw.com

Re: Readoption deadline for 21 NCAC 18B

Dear Mr. Fountain,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the June 25, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
21 NCAC 18B	November 1, 2030

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
January 29, 2026
APO Review: April 01, 2026
Electrical Contractors, Board of Examiners of
Total: 64

RRC Determination:

21	NCAC 18B	.0101	Necessary	21	NCAC 18B	.0503	Necessary
21	NCAC 18B	.0102	Necessary	21	NCAC 18B	.0504	Necessary
21	NCAC 18B	.0103	Necessary	21	NCAC 18B	.0505	Necessary
21	NCAC 18B	.0104	Necessary	21	NCAC 18B	.0701	Necessary
21	NCAC 18B	.0105	Necessary	21	NCAC 18B	.0801	Necessary
21	NCAC 18B	.0107	Necessary	21	NCAC 18B	.0802	Necessary
21	NCAC 18B	.0108	Necessary	21	NCAC 18B	.0803	Necessary
21	NCAC 18B	.0109	Necessary	21	NCAC 18B	.0804	Necessary
21	NCAC 18B	.0110	Necessary	21	NCAC 18B	.0805	Necessary
21	NCAC 18B	.0201	Necessary	21	NCAC 18B	.0806	Necessary
21	NCAC 18B	.0202	Necessary	21	NCAC 18B	.0807	Necessary
21	NCAC 18B	.0203	Necessary	21	NCAC 18B	.0808	Necessary
21	NCAC 18B	.0204	Necessary	21	NCAC 18B	.0809	Necessary
21	NCAC 18B	.0209	Necessary	21	NCAC 18B	.0810	Necessary
21	NCAC 18B	.0210	Necessary	21	NCAC 18B	.0902	Necessary
21	NCAC 18B	.0211	Necessary	21	NCAC 18B	.0904	Necessary
21	NCAC 18B	.0212	Necessary	21	NCAC 18B	.0906	Necessary
21	NCAC 18B	.0213	Necessary	21	NCAC 18B	.0907	Necessary
21	NCAC 18B	.0301	Necessary	21	NCAC 18B	.0908	Necessary
21	NCAC 18B	.0302	Necessary	21	NCAC 18B	.0909	Necessary
21	NCAC 18B	.0303	Necessary	21	NCAC 18B	.1101	Necessary
21	NCAC 18B	.0304	Necessary	21	NCAC 18B	.1102	Necessary
21	NCAC 18B	.0305	Necessary	21	NCAC 18B	.1103	Necessary
21	NCAC 18B	.0306	Necessary	21	NCAC 18B	.1104	Necessary
21	NCAC 18B	.0307	Necessary	21	NCAC 18B	.1105	Necessary
21	NCAC 18B	.0308	Necessary	21	NCAC 18B	.1106	Necessary
21	NCAC 18B	.0401	Necessary	21	NCAC 18B	.1107	Necessary
21	NCAC 18B	.0402	Necessary	21	NCAC 18B	.1108	Necessary
21	NCAC 18B	.0403	Necessary				
21	NCAC 18B	.0404	Necessary				
21	NCAC 18B	.0405	Necessary				
21	NCAC 18B	.0406	Necessary				
21	NCAC 18B	.0407	Necessary				
21	NCAC 18B	.0408	Necessary				
21	NCAC 18B	.0501	Necessary				
21	NCAC 18B	.0502	Necessary				

LIST OF APPROVED PERMANENT RULES

June 25, 2026 Meeting

COUNCIL OF STATE

<u>Administration</u>	06 NCAC	01	.0108
<u>Meetings</u>	06 NCAC	01	.0110
<u>Location</u>	06 NCAC	01	.0111
<u>Proxies</u>	06 NCAC	01	.0112
<u>Agenda</u>	06 NCAC	01	.0113
<u>Records of Meetings</u>	06 NCAC	01	.0114
<u>Preliminary Steps for Rule-Making</u>	06 NCAC	02	.0105
<u>Petitions for Rule-Making Hearings</u>	06 NCAC	02	.0106
<u>Adoption or Approval of Rules</u>	06 NCAC	02	.0107
<u>Filing of Rules</u>	06 NCAC	02	.0108
<u>Records of Declaratory Rulings</u>	06 NCAC	04	.0104

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Purpose</u>	12 NCAC	09B	.0601
<u>Establishment of Program Evaluation Committee</u>	12 NCAC	09B	.0602
<u>Levels of Approval</u>	12 NCAC	09B	.0603
<u>Self Study</u>	12 NCAC	09B	.0604
<u>Institutional Visitation</u>	12 NCAC	09B	.0605
<u>Application Procedures</u>	12 NCAC	09B	.0606
<u>Procedural Considerations</u>	12 NCAC	09B	.0607
<u>Appeal Procedures</u>	12 NCAC	09B	.0608
<u>Failure to Qualify: Annual In-Service Firearms Training</u>	12 NCAC	09E	.0107
<u>Recertification Following Separation</u>	12 NCAC	09G	.0305
<u>Basic Training for Correctional Officers</u>	12 NCAC	09G	.0411
<u>Basic Training for Probation/Parole Officers</u>	12 NCAC	09G	.0412

COASTAL RESOURCES COMMISSION

<u>Authority</u>	15A NCAC	07B	.0601
<u>Planning Options</u>	15A NCAC	07B	.0701
<u>Elements of Cama Core and Advanced Core Land Use Plans</u>	15A NCAC	07B	.0702
<u>State Review and Comment on Draft Plan</u>	15A NCAC	07B	.0801
<u>Public Hearing and Local Adoption Requirements</u>	15A NCAC	07B	.0802
<u>Certification and Use of the Plan</u>	15A NCAC	07B	.0803
<u>Required Periodic Implementation Status Reports</u>	15A NCAC	07B	.0804

EDUCATION, STATE BOARD OF

<u>Definitions</u>	16 NCAC	06C	.0101
<u>Vacation Leave</u>	16 NCAC	06C	.0401
<u>Sick Leave</u>	16 NCAC	06C	.0402
<u>Substitutes</u>	16 NCAC	06C	.0403
<u>Leave With Pay</u>	16 NCAC	06C	.0404
<u>Leave Without Pay</u>	16 NCAC	06C	.0405
<u>Military Duty Without Loss Of Pay</u>	16 NCAC	06C	.0406
<u>Vacation Leave</u>	16 NCAC	06C	.0409

<u>Sick Leave Banks</u>	16 NCAC	06C .0411
<u>Limited English Proficiency Programs</u>	16 NCAC	06D .0106
<u>Definitions</u>	16 NCAC	06E .0201
<u>Administration of Interscholastic Athletes</u>	16 NCAC	06E .0204
<u>Student Health and Safety</u>	16 NCAC	06E .0205
<u>Student Participation Rules</u>	16 NCAC	06E .0207
<u>Penalty Rules</u>	16 NCAC	06E .0209
<u>Name, Image, and Likeness</u>	16 NCAC	06E .0211
<u>Appeals</u>	16 NCAC	06E .0215
<u>Driver Training</u>	16 NCAC	06E .0301
<u>Non-Certified Instructor Status</u>	16 NCAC	06E .0302
<u>Driver Education Contractors</u>	16 NCAC	06E .0303
<u>Driver Education Program</u>	16 NCAC	06E .0304
<u>Driver Eligibility Certificates</u>	16 NCAC	06E .0305

CLINICAL MENTAL HEALTH COUNSELORS, BOARD OF LICENSED

<u>Professional Counseling Licensure Compact Fees and Examin...</u>	21 NCAC	53 .0505
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APPRAISAL BOARD

<u>Qualifications for Trainee Registration and Appraiser Lic...</u>	21 NCAC	57A .0201
<u>Continuing Education</u>	21 NCAC	57A .0204
<u>Payment of Registration, License And Certificate Fees</u>	21 NCAC	57A .0207
<u>Display of Registration, Licenses and Certificates</u>	21 NCAC	57A .0402
<u>Advertising</u>	21 NCAC	57A .0403
<u>Appraisal Reports</u>	21 NCAC	57A .0405
<u>Supervision of Trainees</u>	21 NCAC	57A .0407
<u>Experience Credit to Upgrade</u>	21 NCAC	57A .0601
<u>Types of Appraisal Experience</u>	21 NCAC	57A .0604
<u>Reporting Appraisal Experience</u>	21 NCAC	57A .0605
<u>Administration</u>	21 NCAC	57B .0207
<u>Instructor Requirements</u>	21 NCAC	57B .0306
<u>Criteria for Course Approval</u>	21 NCAC	57B .0603
<u>Instructors for the Trainee/Supervisor Course Required by...</u>	21 NCAC	57B .0614
<u>Payment of Fees to the Board</u>	21 NCAC	57D .0204
<u>Appraiser Competency</u>	21 NCAC	57D .0305
<u>Business Practices</u>	21 NCAC	57D .0401