

1 16 NCAC 06C .0601 is ~~proposed for amendment~~amended under temporary procedures as follows:

2
3 **SECTION .0600 – CODE OF PROFESSIONAL PRACTICE AND STANDARDS OF PROFESSIONAL**
4 **CONDUCT FOR NORTH CAROLINA EDUCATORS**

5
6 **16 NCAC 06C .0601 PURPOSE AND ~~APPLICABILITY~~DEFINITIONS~~APPLICABILITY~~**
7 **DEFINITIONS**

8
9 The purpose of these ~~(a) These~~ Rules is to establish and uphold uniform standards of professional conduct ~~establish~~
10 ~~uniform Standards of Professional Conduct (“Standards”)~~ for licensed professional educators throughout the State ~~and~~
11 ~~apply to all persons employed in a North Carolina public school or who hold a professional educator license issued~~
12 ~~pursuant this Subchapter and Chapter 115C, Article 17E of the General Statutes.~~ These Rules shall be binding on
13 every person licensed by the SBE, hereinafter referred to as "educator" or "professional educator," and the possible
14 consequences of any willful breach shall include license suspension or revocation. The prohibition of certain conduct
15 in these Rules shall not be interpreted as approval of conduct not specifically cited.

16 ~~(b) Violation of these Standards shall be grounds for disciplinary sanctions against a professional educator’s license~~
17 ~~as provided in this Section.~~

18 ~~(c)~~ As used in this Section, the following definitions apply:

19 ~~(1) “Public school unit” or “PSU” is defined in G.S. 115C-5(7a).~~

20 (1) “Child” means a person under the age of 16.

21 (2) “License” means a professional educator license issued by the Department of Public Instruction (“DPI”) in
22 accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.

23 (3) “Local superintendent” means the superintendent of a local school administrative unit, as provided in Chapter
24 115C, Article 18 of the General Statutes, or the staff member with the highest decision-making authority for
25 a PSU, if there is no superintendent.

26 ~~(4) “Public school unit” or “PSU” is defined in G.S. 115C-5(7a).~~

27 (5) “Professional educator” or “educator” is defined in G.S. 115C-270.1(2).

28 ~~(4)(6)~~ “Respondent” means a person who currently holds a license or who has applied for a license.

29 ~~(5) “Student” is defined in G.S. 14-202.4(d)(4).~~

30 (7) “Student” means a person enrolled in pre-kindergarten, kindergarten, or in Grade One through Grade 12 in
31 any public school unit, or who has been enrolled in a public school unit within the six months of an alleged
32 violation of these Standards.

33
34
35 *History Note:* Authority ~~G.S. 115C-295.3; 115C-12(9); 115C-270.1; 115C-270.5; 115C-307;~~
36 ~~Eff. April 1, 1998.~~
37 ~~Temporary Amendment Eff. [DATE DETERMINED BY G.S. 150B-21.3(a)].~~

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6 **16 NCAC 06C .0601 PURPOSE AND APPLICABILITY DEFINITIONS**

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9 ~~professional educators throughout the State. These Rules shall be binding on every person licensed by the SBE,~~
10 ~~hereinafter referred to as "educator" or "professional educator," and the possible consequences of any willful breach~~
11 ~~shall include license suspension or revocation. The prohibition of certain conduct in these Rules shall not be interpreted~~
12 ~~as approval of conduct not specifically cited.~~

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

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

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28 *History Note: Authority G.S. ~~115C-295.3; 115C-12(9); 115C-270.1; 115C-270.5; 115C-307;~~*
29 *Eff. April 1, 1998.*
30 *Temporary Amendment Eff. [DATE DETERMINED BY G.S. 150B-21.3(a)].*

1 16 NCAC 06C .0602 is ~~proposed for amendment~~amended under temporary procedures as follows:

2
3 **16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT**
4

5 (a) The standards ~~Standards of Professional Conduct (“Standards”)~~ listed in this Section shall be generally accepted
6 for the education profession and shall be the basis for State Board review of ~~reviewing the~~ performance of professional
7 educators. ~~educators by the State Board of Education (“SBE”).~~ These standards shall establish mandatory prohibitions
8 and requirements for educators. Violation of these standards ~~Standards~~ shall subject an educator to investigation and
9 disciplinary action by the SBE or LEA. ~~any public school unit by which the educator is employed.~~

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

15 (b) Professional educators shall adhere to the standards of professional conduct contained Standards as set forth in this
16 Rule. Any intentional act or omission that violates these standards Standards is prohibited.

17 (1) ~~Generally recognized professional standards.~~ Recognized Professional Standards. The educator shall adhere
18 to and practice the professional standards of all federal, state, and local governing bodies. ~~bodies with oversight~~
19 of public education.

20 (2) ~~Personal conduct.~~ Conduct. The educator shall serve as a positive role model for students, parents, and the
21 community. ~~Because the educator is entrusted with the care and education of small children and adolescents, the~~
22 ~~educator shall demonstrate a high standard of personal character and conduct.~~ The educator is entrusted with the
23 care and education of children and adolescents. As a result, the educator shall demonstrate a high standard of
24 personal character and conduct and shall serve as a positive role model for students, parents, and the community.

25 (3) Conduct with Students. The educator shall treat all students with respect and maintain appropriate
26 professional boundaries with all students, regardless of whether that student is directly under the care or
27 supervision of the educator. The educator shall not engage in any of the following conduct toward or in the
28 presence of a student:

29 (A) Use of profane, vulgar, or demeaning language.

30 (B) Intentional ~~solicitation~~ or reckless exposure of students to profane, vulgar, or sexually explicit material
31 except as part of age-appropriate classroom instruction or other pedagogical practice.

32 (C) Solicitation, encouragement, or consummation of a romantic, physical, or sexual relationship with a
33 student; in any form, whether written, verbal, or physical. As used in this context, “solicitation” or
34 “encouragement” shall include engaging in a pattern of flirtatious behavior; efforts to gain access to, or time
35 alone with, a student with no clear educational or school-related objective; provision of individualized or
36 specialized treatment, including tangible or monetary gifts, to a student that does not comply with generally

1 recognized professional standards for educators; or any other behavior that could be perceived by a rational
2 observer as excessively personal or intimate in the context of the educator-student relationship.

3 ~~(CD)~~ Solicitation, encouragement, or consummation of sexual contact with a student.

4 ~~(DE)~~ Sexual harassment, as defined in 34 C.F.R. 106.30(a).

5 ~~(EF)~~ Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.

6 (4) Alcohol and Controlled Substances. The educator shall not be under the influence of, possess, use, or consume
7 an alcoholic beverage or a controlled substance, as defined in G.S. 90-95, on school premises, at a school-
8 sponsored activity, or when otherwise discharging the educator's professional duties, unless the educator has a
9 prescription from a licensed medical professional authorizing such use. The educator shall not furnish alcoholic
10 beverages or controlled substances to a student, except for the administration of medication prescribed by a
11 licensed medical professional in accordance with the educator's professional duties.

12 ~~(3)~~ (5) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation
13 in the performance of the educator's professional duties, including the following:

14 (A) ~~statement~~ statements or representations of professional qualifications;

15 (B) application or recommendation for professional employment, promotion, or licensure;

16 (C) ~~application or recommendation~~ applications or recommendations for college or university admission,
17 scholarship, grant, academic award, or similar benefit;

18 (D) ~~representation~~ statements or representations of completion of college or staff development credit;

19 (E) evaluation or grading of students or school personnel;

20 (F) submission of financial or program compliance reports submitted to state, federal, or other governmental
21 agencies;

22 (G) submission of information in the course of an official inquiry by the employing LEA or the SBE related
23 to facts of unprofessional misconduct, provided, however, SBE or the educator's employing PSU into
24 allegations of professional misconduct, provided that an educator shall be given adequate notice of the
25 allegations and may be represented by legal counsel; and

26 (H) submission of information in the course of an investigation into school related criminal activity by a law
27 enforcement agency, child protective services, or any other agency with the right authority to investigate,
28 regarding school related criminal activity; provided, however, investigate, provided that an educator shall be
29 entitled to decline to give evidence may refusedecline to provide information to law enforcement if such
30 evidence may tend to could incriminate the educator as that term is defined by the Fifth Amendment to in
31 violation of the educator's rights under the U.S. Constitution, United States Constitution or North Carolina
32 Constitution.

33 (6) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the United
34 States, or any other state or territory under the jurisdiction of the United States.

35 ~~(4)~~ (7) Proper remunerative conduct. Remunerative Conduct. The educator shall not solicit current students or
36 parents of students to purchase equipment, supplies, or services from the educator in a private remunerative
37 capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless

1 approved by the local superintendent. An educator shall not accept any compensation, benefit, or thing of value
2 other than the educator's regular compensation for the performance of any service that the educator is required to
3 render in the course and scope of the educator's employment. This Rule shall not restrict performance of any
4 overtime or supplemental services at the request of the ~~LEA, PSU,~~ nor shall it ~~apply to or~~ restrict the acceptance
5 of gifts ~~or tokens of minimal value offered and accepted openly~~ from students, parents, or other persons in
6 recognition or appreciation of ~~service,~~ the educator's professional service, provided the gift is given and received
7 freely, openly, and without expectation of favor or advantage to the donor in return.

8 ~~(5) Conduct with students. The educator shall treat all students with respect. The educator shall not commit any~~
9 ~~abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has~~
10 ~~been under the care or supervision of that educator, as defined below:~~

11 (A) any use of language that is considered profane, vulgar, or demeaning;

12 (B) any sexual act;

13 (C) any solicitation of a sexual act, whether written, verbal, or physical;

14 (D) any act of child abuse, as defined by law;

15 (E) any act of sexual harassment, as defined by law; and

16 (F) ~~any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with~~
17 ~~a student, or any sexual contact with a student. The term "romantic relationship" shall include dating any~~
18 ~~student.~~

19 ~~(6)(8) Confidential information. Information.~~ Information. The educator shall keep ~~in confidence~~ confidential all personally
20 identifiable information regarding students or their family members that the educator has been obtained in the
21 course of professional service, unless disclosure is required or permitted by law ~~or professional standards,~~ or is
22 necessary for the personal safety of the student or others.

23 ~~(7)(9) Rights of others. Others.~~ Others. The educator shall not willfully or maliciously violate the constitutional or civil
24 rights of a student, ~~parent/legal~~ parent or legal guardian, or colleague.

25 ~~(8)(10) Required reports. Reports.~~ Reports. The educator shall make all reports required by ~~G.S. 115C.~~ Chapter 115C of
26 the General Statutes.

27 (9) Alcohol or controlled substance abuse. The educator shall not:

28 (A) be under the influence of, possess, use, or consume on school premises or at a school sponsored activity
29 a controlled substance as defined by G.S. 90-95, the Controlled Substances Act, without a prescription
30 authorizing such use;

31 (B) be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on
32 school premises or at a school sponsored activity involving students; or

33 (C) furnish alcohol or a controlled substance to any student except as indicated in the professional duties of
34 administering legally prescribed medications.

35 (10) Compliance with criminal laws. The educator shall not commit any act referred to in G.S. 115C-332 and any
36 felony under the laws of the United States or of any state.

1 (11) ~~Public funds and property.~~ Funds and Property. The educator shall not misuse public funds or ~~property, funds~~
2 ~~of a school-related organization, or colleague's funds.~~ property or any funds belonging to an organization affiliated
3 with the school or PSU. The educator shall account for funds collected from students, colleagues, ~~or parents/legal~~
4 ~~guardians.~~ parents, or legal guardians of students. The educator shall not submit fraudulent requests for
5 reimbursement, expenses, or pay.

6 (12) ~~Scope of professional practice.~~ Professional Practice. The educator shall not perform any ~~act as an employee~~
7 ~~in a position~~ professional duty or function for which licensure is required by ~~the rules of the SBE or by G.S. 115C~~
8 ~~or the North Carolina General Statutes this Chapter or by Chapter 115C of the General Statutes~~ during any period
9 in which the educator's license ~~has been~~ is suspended or revoked.

10 (13) ~~Conduct related to ethical violations.~~ Abuse of Authority. The educator shall not directly or indirectly use or
11 threaten to use any official authority or influence in any manner that ~~tends to discourage, restrain, interfere with,~~
12 ~~coerce, or discriminate~~ discourages, restrains, coerces, interferes with, or discriminates against any subordinate
13 or any licensee who in good faith ~~reports, discloses, divulges, reports~~ or otherwise brings to the attention of ~~an~~
14 ~~LEA, a PSU,~~ the SBE, or any other public agency authorized to take remedial action, any facts or information
15 relative to the actual or suspected violation of any law or rule regulating the duties of persons serving in the public
16 school system, including ~~but not limited to these Rules.~~ those established by this Section.

17
18 *History Note:* Authority G.S. 115C-295.3; 115C-12(9); 115C-270.5; 115C-307;

19 Eff. May 1, 1998.

20 Temporary Amendment Eff. XXX.

21

1 16 NCAC 06C .0602 is amended under temporary procedures as follows:

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3 **16 NCAC 06C .0602 STANDARDS OF PROFESSIONAL CONDUCT**

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32 student in any form, whether written, verbal, or physical. As used in this context, “solicitation” or
33 “encouragement” shall include engaging in a pattern of flirtatious behavior; efforts to gain access to, or time
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35 specialized treatment, including tangible or monetary gifts, to a student that does not comply with generally
36 recognized professional standards for educators; or any other behavior that could be perceived by a rational
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15 scholarship, grant, academic award, or similar benefit;

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18 (F) submission of financial or program compliance reports submitted to state, federal, or other governmental
19 agencies;

20 (G) submission of information in the course of an official inquiry by the ~~employing LEA or the SBE~~ related
21 to ~~facts of unprofessional misconduct, provided, however, SBE or the educator's employing PSU~~ into
22 allegations of professional misconduct, provided that an educator shall be given adequate notice of the
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29 the educator's rights under the ~~U.S. Constitution.~~ United States Constitution or North Carolina Constitution.

30 (6) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the United
31 States, or any other state or territory under the jurisdiction of the United States.

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36 other than the educator's regular compensation for the performance of any service that the educator is required to
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17 identifiable information regarding students or their family members that ~~the educator has been~~ obtained in the
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19 necessary for the personal safety of the student or others.

20 ~~(7)(9) Rights of others.~~ Others. The educator shall not willfully or maliciously violate the constitutional or civil
21 rights of a student, ~~parent/legal parent or legal guardian,~~ or colleague.

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29 ~~school premises or at a school sponsored activity involving students; or~~

30 (C) ~~furnish alcohol or a controlled substance to any student except as indicated in the professional duties of~~
31 ~~administering legally prescribed medications.~~

32 ~~(10) Compliance with criminal laws.~~ The educator shall not commit any act referred to in ~~G.S. 115C-332 and any~~
33 ~~felony under the laws of the United States or of any state.~~

34 ~~(11) Public funds and property.~~ Funds and Property. The educator shall not misuse public funds or ~~property, funds~~
35 ~~of a school related organization, or colleague's funds.~~ property or any funds belonging to an organization affiliated
36 with the school or PSU. The educator shall account for funds collected from students, colleagues, ~~or parents/legal~~

1 ~~guardians, parents, or legal guardians of students.~~ The educator shall not submit fraudulent requests for
2 reimbursement, expenses, or pay.

3 (12) ~~Scope of professional practice.~~ Professional Practice. The educator shall not perform any ~~act as an employee~~
4 ~~in a position~~ professional duty or function for which licensure is required by ~~the rules of the SBE or by G.S. 115C~~
5 ~~or the North Carolina General Statutes this Chapter or by Chapter 115C of the General Statutes~~ during any period
6 in which the educator's license ~~has been~~ is suspended or revoked.

7 (13) ~~Conduct related to ethical violations.~~ Abuse of Authority. The educator shall not directly or indirectly use or
8 threaten to use any official authority or influence in any manner that ~~tends to discourage, restrain, interfere with,~~
9 ~~coerce, or discriminate~~ discourages, restrains, coerces, interferes with, or discriminates against any subordinate
10 or any licensee who in good faith ~~reports, discloses, divulges, reports~~ or otherwise brings to the attention of ~~an~~
11 ~~LEA, a PSU,~~ the SBE, or any other public agency authorized to take remedial action, any facts or information
12 relative to the actual or suspected violation of any law or rule regulating the duties of persons serving in the public
13 school system, including ~~but not limited to these Rules.~~ those established by this Section.

14
15 *History Note:* Authority G.S. 115C-295.3; 115C-12(9); 115C-270.5; 115C-307;
16 Eff. May 1, 1998.
17 Temporary Amendment Eff. XXX.
18

1 16 NCAC 06C .0603 is ~~proposed for adoption~~adopted under temporary procedures as follows:

2
3 **16 NCAC 06C .0603 INVESTIGATION OF ALLEGED MISCONDUCT BY A LICENSED**
4 **PROFESSIONAL EDUCATOR OR LICENSE APPLICANT**
5

6 (a) Upon receipt of allegations and substantiating information regarding a respondent that may provide cause for
7 imposing disciplinary sanctions on a license or denying an application for a license under Rule .0604 of this Section,
8 the Superintendent of Public Instruction (“Superintendent”) shall investigate the allegations to determine if such action
9 is warranted. The Superintendent shall investigate allegations or information from any source in a position to provide
10 such information, including a PSU, State agency, court or other tribunal, or other credible person or institution. The
11 Superintendent shall also consider information disclosed by a license applicant in the application.

12 (b) The Superintendent is authorized to utilize the power conferred upon the State Board of Education (“SBE”) under
13 G.S. 115C-270.35(e), including the power to subpoena documents, secure witness testimony, or hire investigators, for
14 the purpose of conducting investigations under this Rule.

15 (c) If the Superintendent finds cause to impose disciplinary sanctions on a license or deny a license application for
16 any of the reasons described in Rule .0604 of this Section, the Superintendent shall prepare ~~on behalf of the SBE,~~ a
17 proposed order containing findings of fact, conclusions of law, and the proposed sanction(s) or denial.

18 (d) The Superintendent shall provide the respondent with a copy of the proposed order and notify the respondent that
19 the proposed sanctions or denial described in the order shall become final unless the respondent commences an
20 administrative proceeding under Chapter 150B, Article 3 of the General Statutes within 60 days of the notice. The
21 Superintendent shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE,
22 and the 60-day time limitation shall commence on the date of electronic delivery or placement of the notice in an
23 official depository of the United States Postal Service, whichever is earlier, in accordance with G.S. 150B-23(f).

24 (e) If the respondent commences administrative proceedings, the SBE shall stay the proposed order until receipt of a
25 final decision or order under G.S. 150B-34. If the respondent does not commence proceedings within the 60-day time
26 limitation, the proposed order shall become final, and the Superintendent shall take all necessary actions to enforce
27 the order.

28
29 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;*
30 *Temporary Adoption Eff. XXX.*
31

1 16 NCAC 06C .0603 is adopted under temporary procedures as follows:

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7 imposing disciplinary sanctions on a license or denying an application for a license under Rule .0604 of this Section,
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9 is warranted. The Superintendent shall investigate allegations or information from any source in a position to provide
10 such information, including a PSU, State agency, court or other tribunal, or other credible person or institution. The
11 Superintendent shall also consider information disclosed by a license applicant in the application.

12 (b) The Superintendent is authorized to utilize the power conferred upon the State Board of Education (“SBE”) under
13 G.S. 115C-270.35(e), including the power to subpoena documents, secure witness testimony, or hire investigators, for
14 the purpose of conducting investigations under this Rule.

15 (c) If the Superintendent finds cause to impose disciplinary sanctions on a license or deny a license application for
16 any of the reasons described in Rule .0604 of this Section, the Superintendent shall prepare a proposed order containing
17 findings of fact, conclusions of law, and the proposed sanction(s) or denial.

18 (d) The Superintendent shall provide the respondent with a copy of the proposed order and notify the respondent that
19 the proposed sanctions or denial described in the order shall become final unless the respondent commences an
20 administrative proceeding under Chapter 150B, Article 3 of the General Statutes within 60 days of the notice. The
21 Superintendent shall send the notice via electronic mail and certified mail to the latest addresses provided to the SBE,
22 and the 60-day time limitation shall commence on the date of electronic delivery or placement of the notice in an
23 official depository of the United States Postal Service, whichever is earlier, in accordance with G.S. 150B-23(f).

24 (e) If the respondent commences administrative proceedings, the SBE shall stay the proposed order until receipt of a
25 final decision or order under G.S. 150B-34. If the respondent does not commence proceedings within the 60-day time
26 limitation, the proposed order shall become final, and the Superintendent shall take all necessary actions to enforce
27 the order.

28
29 History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;
30 Temporary Adoption Eff. XXX.
31

1 16 NCAC 06C .0604 is ~~proposed for adoption~~adopted under temporary procedures as follows:

2
3 **16 NCAC 06C .0604 DENYING OR SANCTIONING A LICENSE**

4
5 (a) The State Board of Education (“SBE”), or its authorized designee, may, following an investigation in accordance
6 with Rule .0603 of this Section, impose disciplinary sanctions on a license issued by the Department of Public
7 Instruction or deny an application for any such license if the SBE ~~or designee~~ finds, by a preponderance of the
8 evidence, that the respondent has done any of the following:

- 9 (1) Engaged in fraud, material misrepresentation, or concealment in an application for the license.
10 (2) Become ineligible for the license due to changes or corrections in the license documentation.
11 (3) Been convicted of a crime in any state, federal, or territorial court of the United States, including military
12 tribunals.
13 (4) Been dismissed by a local board of education, pursuant to G.S. 115C-325(e)(1~~2~~) or 115C-325.4, or by the
14 governing body of any other PSU.
15 (5) Resigned from employment with a PSU without thirty calendar days’ notice, except with the prior consent
16 of the superintendent.
17 (6) Had a professional educator license or other occupational license ~~issued by another state~~ revoked or
18 suspended in North Carolina or another state due to a finding of misconduct by the relevant occupational
19 licensing board or agency.
20 (7) Failed to report suspected child abuse in accordance with G.S. 115C-400 or other suspicion of professional
21 misconduct by a licensed employee in accordance with Rule .~~0607~~0608 of this Section.
22 (8) Violated the Testing Code of Ethics, codified at 16 NCAC 06D .0311.
23 (9) Engaged in any other illegal, unethical, or lascivious conduct, or otherwise violated the Standards of
24 Professional Conduct as described in Rule .0602 of this Section.

25 (b) When deciding whether to impose disciplinary sanctions or deny an application for a license, the SBE ~~or designee~~
26 shall consider the following factors:

- 27 (1) The existence of a reasonable and adverse relationship between the underlying misconduct and the ability of
28 the respondent to perform the respondent’s professional duties as an educator.
29 (2) The severity of the misconduct.
30 (3) The impact of the misconduct on students, other educators, and the school community.
31 (4) The respondent’s degree of culpability in the misconduct.
32 (5) The degree of remorse exhibited by the respondent for the misconduct.
33 (6) Any evidence of reformed behavior on the part of the respondent.
34 (7) Subsequent incidents of misconduct by the respondent or the probability of future misconduct.

35 (c) If the SBE ~~or designee~~ determines that sanctions against a current licensee are warranted, it shall impose sanctions
36 in accordance with Rule .0605 of this Section.

- 1 History Note: Authority G.S. 115C-12(9); 115C-174.11; 115C-174.12; 115C-270.5; 115C-270.30; 115C-270.35;
- 2 150B-22; 150B-23;
- 3 Temporary Adoption Eff. XXX.

1 16 NCAC 06C .0605 is adopted under temporary procedures as follows:

2
3 **16 NCAC 06C .0605 DISCIPLINARY SANCTIONS**

4
5 (a) Upon finding of a basis for imposing disciplinary sanctions against a respondent’s license under Rule .0604
6 following an investigation under Rule .0603 of this Section, the State Board of Education (“SBE”), or its authorized
7 designee, may impose any of the following sanctions:

- 8 (1) Written Warning
9 (2) Written Reprimand
10 (3) Suspension for a Defined Term
11 (4) Revocation

12 (b) In addition to one of the sanctions listed in Paragraph (a), the SBE or designee may impose additional conditions
13 upon a respondent—including requirements that the respondent complete additional continuing education credits
14 beyond those required by G.S. 115C-270.30, community service hours, or other activities—if the purpose of the
15 condition is remedial, relevant to the misconduct giving rise to the sanction, and designed to reduce the possibility of
16 recidivism.

17 (c) Notwithstanding Rule .0603 of this Section or Paragraph (a) of this Rule, the SBE or designee shall summarily
18 suspend the license of a respondent if the SBE or designee finds that the public health, safety, or welfare requires
19 emergency action and incorporates those findings in the order prepared in accordance with Rule .0603 of this Section.
20 A finding that a respondent has been charged in the General Court of Justice with any crime the conviction for which
21 would result in automatic revocation of the respondent’s license under G.S. 115C-270.35(b) shall be considered prima
22 facie evidence in satisfaction of this Paragraph. Following the summary suspension, the SBE or designee shall
23 promptly commence a disciplinary investigation and proceedings in accordance with Rules .0603 and .0604 of this
24 Section.

25 (d) The Department of Public Instruction (“DPI”) shall, upon expiration of the 60-day time limitation described in
26 Rule .0603(e) of this Section, publish the sanction and a brief description of the basis for the sanction on its website
27 and report it to the National Association of State Directors of Teacher Education and Certification, except that this
28 requirement shall not apply to a Written Warning. DPI shall not disclose any information related to the sanction that
29 is considered confidential under Chapter 115C, Article 21A of the General Statutes or is otherwise protected from
30 disclosure under State or federal law.

31
32
33 History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-3; 150B-22; 150B-23;
34 Temporary Adoption Eff. XXX.

1 16 NCAC 06C .0605 is ~~proposed for adoption~~adopted under temporary procedures as follows:

2
3 **16 NCAC 06C .0605 DISCIPLINARY SANCTIONS**

4
5 (a) Upon finding of a basis for imposing disciplinary sanctions against a respondent’s license under Rule .0604
6 following an investigation under Rule .0603 of this Section, the State Board of Education (“SBE”~~”)”, or its authorized~~
7 designee, may impose any of the following sanctions:

- 8 (1) Written Warning
9 (2) Written Reprimand
10 (3) Suspension for a Defined Term
11 (4) Revocation

12 (b) In addition to one of the sanctions listed in Paragraph (a), the SBE or designee may impose additional conditions
13 upon a respondent—including requirements ~~for~~that the respondent ~~to~~complete additional ~~CEUs~~continuing education
14 credits beyond those required by G.S. 115C-270.30, community service hours, or other activities—if the purpose of
15 the condition is remedial, relevant to the misconduct giving rise to the sanction, and designed to reduce the possibility
16 of recidivism.

17 (c) Notwithstanding Rule .0603 of this Section or Paragraph (a) of this Rule, the SBE or designee shall summarily
18 suspend the license of a respondent if the SBE or designee finds that the public health, safety, or welfare requires
19 emergency action and incorporates those findings in the order prepared in accordance with Rule .0603 of this Section.
20 A finding that a respondent has been charged in the General Court of Justice with any crime the conviction for which
21 would result in automatic revocation of the respondent’s license under G.S. 115C-270.35(b) shall be considered prima
22 facie evidence in satisfaction of this Paragraph. Following the summary suspension, the SBE or designee shall
23 promptly commence a disciplinary investigation and proceedings in accordance with Rules .0603 and .0604 of this
24 Section.

25 (d) The ~~SBE~~Department of Public Instruction (“DPI”) shall, upon expiration of the 60-day time limitation described
26 in Rule .0603(e) of this Section, publish the sanction and a brief description of the basis for the sanction on ~~the~~
27 Department of Public Instruction (“DPI”)its website and report it to the National Association of State Directors of
28 Teacher Education and Certification, except that this requirement shall not apply to a Written Warning. ~~The SBE~~DPI
29 shall not disclose any information related to the sanction that is considered confidential under Chapter 115C, Article
30 21A of the General Statutes or is otherwise protected from disclosure under State or federal law.

31
32
33 History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-3; 150B-22; 150B-23;
34 Temporary Adoption Eff. XXX.

1 16 NCAC 06C .0606 is adopted under temporary procedures as follows:

2
3 **16 NCAC 06C .0606 VOLUNTARY SURRENDER OF A LICENSE**

4
5 (a) An individual licensed under Chapter 115C, Article 17E of the General Statutes may notify the State Board of
6 Education (“SBE”), or its authorized designee, in writing of the individual’s intention to voluntarily surrender the
7 individual’s license to the SBE.

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

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

21
22
23 History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;
24 Temporary Adoption Eff. XXX.

1 16 NCAC 06C .0606 is ~~proposed for adoption~~adopted under temporary procedures as follows:

2
3 **16 NCAC 06C .0606 VOLUNTARY SURRENDER OF A LICENSE**
4

5 (a) An individual licensed under Chapter 115C, Article 17E of the General Statutes may notify the State Board of
6 Education (“SBE~~2~~”), or its authorized designee, in writing of the individual’s intention to voluntarily surrender the
7 individual’s license to the SBE.

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

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

23
24
25 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;*
26 *Temporary Adoption Eff. XXX.*

1 16 NCAC 06C .0607 is adopted under temporary procedures as follows:
2

3 **16 NCAC 06C .0607 REINSTATEMENT OF OR RECONSIDERATION FOR A LICENSE**
4

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

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

11 (b) The SBE, or its authorized designee, may deny the request, grant the request, or grant the request on a probationary
12 basis. If the SBE or designee grants the request on a probationary basis, the respondent’s license status shall be subject
13 to review by the SBE or designee one year from the date that the license is granted, and the respondent shall comply
14 with any conditions the SBE or designee may impose.

15
16
17 History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;

18 Temporary Adoption Eff. XXX.

1 16 NCAC 06C .0607 is ~~proposed for adoption~~adopted under temporary procedures as follows:

2
3 **16 NCAC 06C .0607 REINSTATEMENT OF OR RECONSIDERATION FOR A LICENSE**

4
5 (a) A respondent whose license has been revoked or whose application for a license has been denied under this Section
6 may seek reinstatement of the revoked license or reconsideration of the license application no sooner than 12 months
7 after the effective date of the revocation or denial.

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

11 (b) The SBE, or its authorized designee, may deny the request, grant the request, or grant the request on a probationary
12 basis. If the SBE or designee grants the request on a probationary basis, the respondent’s license status shall be subject
13 to review by the SBE or designee one year from the date that the license is granted, and the respondent shall comply
14 with any conditions the SBE or designee may impose.

15
16
17 History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;

18 Temporary Adoption Eff. XXX.