

# NO CHANGES FROM TEMPORARY RULE

1 16 NCAC 06C .0372 - .0376 are proposed for repeal as follows:  
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4 **16 NCAC 06C .0372 DENYING A LICENSE APPLICATION OR SUSPENSION OR REVOCATION OF**  
5 **A LICENSE ISSUED BY THE NORTH CAROLINA DEPARTMENT OF PUBLIC**  
6 **INSTRUCTION**

7 **16 NCAC 06C. 0373 REPORTING REQUIREMENTS FOR SUSPECTED CHILD ABUSE BY A**  
8 **LOCAL EDUCATION AGENCY ADMINISTRATOR TO THE**  
9 **SUPERINTENDENT OF PUBLIC INSTRUCTION**

10 **16 NCAC 06C .0374 INVESTIGATION REQUIREMENTS TO DETERMINE REASONABLE CAUSE**  
11 **TO SUSPEND OR REVOKE AN EDUCATOR LICENSE**

12 **16 NCAC 06C .0375 VOLUNTARY SURRENDER OF AN EDUCATOR LICENSE**

13 **16 NCAC 06C .0376 REINSTATEMENT OR ISSUANCE OF A SUSPENDED, REVOKED, OR DENIED**  
14 **LICENSE**

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16 *History Note: Authority G.S. 115C-12; 115C-268.1; 116C-268.5; 115C-270.5; 115C-270.20; 115C-270.35;*  
17 *115C-325; 115C-325.9; 115C-400;*  
18 *Eff. October 1, ~~2020~~2020;*  
19 *Temporary Repeal Eff. April 5, 2024;*  
20 *Repealed Eff. July 1, 2024*

# REDLINE COMPARISON TO TEMPORARY RULE

1 16 NCAC 06C .0601 is proposed for readoption with substantive changes as follows:

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

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6 **16 NCAC 06C .0601 DEFINITIONS**

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

8 (1) "Child" means a person under the age of 16.

9 (2) "Convicted" or "conviction" means any of the following

10 (A) A plea of guilty.

11 (B) A plea of no contest, nolo contendere, or the equivalent.

12 (C) A verdict or finding of guilty by a jury, judge, magistrate, or other duly constituted  
13 adjudicatory body, tribunal, or official, either civilian or military.

14 ~~(2)(3)~~ "License" means a professional educator license issued by the Department of Public Instruction  
15 ("DPI") in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.

16 ~~(3)(4)~~ "Local superintendent" means the superintendent of a local school administrative unit, as provided  
17 in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-  
18 making authority for a PSU, if there is no superintendent.

19 ~~(4)~~ ~~"Public school unit" or "PSU" is defined in G.S. 115C 5(7a).~~

20 ~~(5)~~ ~~"Professional educator" or "educator" is defined in G.S. 115C 270.1(2).~~

21 ~~(6)(5)~~ "Respondent" means a person who currently holds a license or who has applied for a license.

22 ~~(7)(6)~~ "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade  
23 12 in any public school unit, or who has been enrolled in a public school unit within 6 months of an  
24 alleged violation of these Standards.

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26 *History Note: Authority G.S. 115C-12(9); 115C-270.1; 115C-270.5; 115C-307;*

27 *Eff. April 1, 1998;*

28 *Temporary Amendment Eff. April 5, 2024;*

29 *Readoption Eff. July 1, 2025.*

# NO CHANGES FROM TEMPORARY RULE

1 16 NCAC 06C .0602 is proposed for readoption with substantive changes as follows:

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

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

- (1) Generally Recognized Professional Standards. The educator shall adhere to and practice the professional standards of all federal, state, and local governing bodies with public education oversight.
- (2) Conduct with Students. The educator shall treat all students with respect and maintain appropriate professional boundaries with all students, regardless of whether that student is directly under the care or supervision of the educator. Specifically, the educator shall not engage in any of the following conduct toward or in the presence of a student:
  - (a) Use of profane, vulgar, or demeaning language.
  - (b) Intentional or reckless exposure of students to profane, vulgar, or sexually explicit material except as part of age-appropriate classroom instruction or other pedagogical practice.
  - (c) Solicitation, encouragement, or consummation of a romantic, physical, or sexual relationship with a student in any form, whether written, verbal, or physical. As used in this context, "solicitation" or "encouragement" shall include engaging in a pattern of flirtatious behavior; efforts to gain access to, or time alone with, a student with no clear educational or school-related objective; provision of individualized or specialized treatment, including tangible or monetary gifts, to a student that does not comply with generally recognized professional standards for educators; or any other behavior that could be perceived by a rational observer as excessively personal or intimate in the context of the educator-student relationship.
  - (d) Solicitation, encouragement, or consummation of sexual contact with a student.
  - (e) Sexual harassment, as defined in 34 C.F.R. 106.30(a).
  - (f) Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.
- (3) Alcohol and Controlled Substances. The educator shall not be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance, as defined in G.S. 90-95, on school premises, at a school-sponsored activity, or when otherwise discharging the educator's professional duties, unless the educator has a prescription from a licensed medical professional authorizing such use. The educator shall not furnish alcoholic beverages or controlled substances to a student, except for the administration of medication prescribed by a licensed medical professional in accordance with the educator's professional duties.

## NO CHANGES FROM TEMPORARY RULE

- 1 (4) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or  
2 misrepresentation in the performance of the educator's professional duties, including the following:  
3 (a) statements or representations of professional qualifications;  
4 (b) application or recommendation for professional employment, promotion, or licensure;  
5 (c) applications or recommendations for college or university admission, scholarship, grant,  
6 academic award, or similar benefit;  
7 (d) statements or representations of completion of college or staff development credit;  
8 (e) evaluation or grading of students or school personnel;  
9 (f) submission of financial or program compliance reports submitted to state, federal, or other  
10 governmental agencies;  
11 (g) submission of information in the course of an official inquiry by the SBE or the educator's  
12 employing PSU into allegations of professional misconduct, provided that an educator shall  
13 be given adequate notice of the allegations and may be represented by legal counsel; and  
14 (h) submission of information in the course of an investigation into school related criminal  
15 activity by a law enforcement agency, child protective services, or any other agency with  
16 the authority to investigate, provided that an educator may decline to provide information  
17 to law enforcement if such evidence could incriminate the educator in violation of the  
18 educator's rights under the United States Constitution or North Carolina Constitution.
- 19 (5) Compliance with Criminal Laws. The educator shall not violate the criminal laws of this State, the  
20 United States, or any other state or territory under the jurisdiction of the United States.
- 21 (6) Proper Remunerative Conduct. The educator shall not solicit current students or parents of students  
22 to purchase equipment, supplies, or services from the educator in a private remunerative capacity.  
23 An educator shall not tutor for remuneration students currently assigned to the educator's classes,  
24 unless approved by the local superintendent. An educator shall not accept any compensation,  
25 benefit, or thing of value other than the educator's regular compensation for the performance of any  
26 service that the educator is required to render in the course and scope of the educator's employment.  
27 This Rule shall not restrict performance of any overtime or supplemental services at the request of  
28 the PSU, nor shall it restrict the acceptance of gifts from students, parents, or other persons in  
29 recognition or appreciation of the educator's professional service, provided the gift is given and  
30 received freely, openly, and without expectation of favor or advantage to the donor in return.
- 31 (7) Confidential Information. The educator shall keep confidential all personally identifiable  
32 information regarding students or their family members that the educator has obtained in the course  
33 of professional service, unless disclosure is required or permitted by law or is necessary for the  
34 personal safety of the student or others.
- 35 (8) Rights of Others. The educator shall not willfully or maliciously violate the constitutional or civil  
36 rights of a student, parent or legal guardian, or colleague.



# NO CHANGES FROM TEMPORARY RULE

1 16 NCAC 06G .603 is proposed for adoption as follows:

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

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

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

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

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

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

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28 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-22; 150B-23;*  
29 *Temporary Adoption Eff. April 5, 2024;*  
30 *Eff. July 1, 2025.*

# REDLINE COMPARISON TO TEMPORARY RULE

1 16 NCAC 06C .0604 is proposed for adoption as follows:

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

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

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

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

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

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

# REDLINE COMPARISON TO TEMPORARY RULE

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. April 5, 2024;*  
4 *Eff. July 1, 2025.*

# NO CHANGES FROM TEMPORARY RULE

1 16 NCAC 06C .0605 is proposed for adoption as follows:

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

4 (a) Upon finding of a basis for imposing disciplinary sanctions against a respondent under Rule .0604 following an  
5 investigation under Rule .0603 of this Section, the State Board of Education ("SBE") may impose any of the following  
6 sanctions:

- 7 (1) Written Warning;
- 8 (2) Written Reprimand;
- 9 (3) Suspension for a Defined Term; or
- 10 (4) Revocation.

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

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

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

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29 *History Note:* Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 150B-3; 150B-22; 150B-23;  
30 *Temporary Adoption Eff. April 5, 2024;*  
31 *Eff. July 1, 2025.*

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# REDLINE COMPARISON TO TEMPORARY RULE

1 16 NCAC 06G. 0606 is proposed for adoption as follows:

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

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

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

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

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

22 *Temporary Adoption Eff. April 5, 2024.;*

23 *Eff. July 1, 2025.*

# REDLINE COMPARISON TO TEMPORARY RULE

1 16 NCAC 06C .0607 is proposed for adoption as follows:

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

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

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

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

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

15 *Temporary Adoption Eff. April 5, 2024;*

16 *Eff. July 1, 2025.*

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# REDLINE COMPARISON TO TEMPORARY RULE

1 16 NCAC 06C .0608 is proposed for adoption as follows:

## 3 16 NCAC 06C .0608 REPORTING REQUIREMENTS FOR PSU ADMINISTRATORS

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

5 ~~(1) "Administrator" means a superintendent, associate superintendent, assistant superintendent,~~  
6 ~~personnel administrator, principal, school director, or head of school employed by a PSU.~~

7 ~~(+)(2)~~ "Misconduct" means either:

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

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

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

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

17 (b) In addition to any duty to report suspected child abuse under G.S. 115C-400 or other provision of law, any PSU  
18 administrator who knows, has reason to believe, or has actual notice of a complaint that a professional educator  
19 licensed under Chapter 115C, Article 17E of the General Statutes has engaged in misconduct, as defined in  
20 ~~Subparagraph (a)(1)~~Part (a)(2) of this Rule, that results in the ~~dismissal, suspension with pay,~~ suspension without pay,  
21 ~~termination of employment, non-renewal of the employment contract,~~ or resignation of the educator shall report the  
22 misconduct in writing to the State Board of Education ("SBE") within five calendar days of the dismissal, suspension,  
23 ~~nonrenewal,~~ or acceptance of the educator's resignation by the ~~local superintendent governing body of the PSU or its~~  
24 ~~authorized designee.~~ If an educator resigns within 30 days of a complaint for misconduct or during an ongoing  
25 investigation of a complaint, the alleged misconduct is presumed to have resulted in the resignation.

26 (c) If a PSU ~~governing body or its authorized designee~~ demotes, dismisses, ~~declines to renew the employment~~  
27 ~~contract,~~ or accepts the resignation of a professional educator licensed under Chapter 115C, Article 17E of the General  
28 Statutes as a result of conduct that is not covered by Paragraph (b) of this Rule but that may otherwise justify  
29 disciplinary sanctions against the ~~employee-educator~~ under Rule .0604 of this Section, ~~a PSU an~~ administrator for ~~that~~  
30 ~~the~~ PSU shall report the conduct in writing to the SBE within 30 calendar days of the demotion, dismissal, ~~nonrenewal,~~  
31 or ~~acceptance of the educator's~~ resignation ~~of the employee by the governing body of the PSU or its authorized~~  
32 ~~designee.~~

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

# REDLINE COMPARISON TO TEMPORARY RULE

1 (e) If a PSU terminates the employment of an educator, does not renew the educator's contract, or accepts the educator's  
2 resignation for any reason that may require a report under this Rule, an administrator for the PSU shall notify the  
3 educator of the reporting requirement upon separation from employment.

4 (f) In accordance with G.S. 115C-13 and notwithstanding Chapter 115C, Article 21A of the General Statutes, local  
5 boards of education and their officers and employees shall provide to the SBE or the Superintendent of Public  
6 Instruction, upon request, all personnel records and other investigative records associated with any educator reported  
7 to the SBE pursuant to this Rule. This provision does not apply to communications between an attorney and the local  
8 board or its officers or employees that is subject to attorney-client privilege.

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10 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 115C-326.20; 150B-22;*  
11 *150B-23;*  
12 *Temporary Adoption Eff. April 5, 2024;*  
13 *Eff. July 1, 2025.*  
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