

1 16 NCAC 06C .0372 - .0376 are repealed as published in 38:07 NCR 387–388 as follows: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;*
19 *Temporary Repeal Eff. April 5, 2024;*
20 *Repealed Eff. July 1, 2024*

1 16 NCAC 06C .0601 is readopted with changes as published in 38:07 NCR 388 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 PURPOSE AND APPLICABILITY DEFINITIONS**

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

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

- 13 (1) "Child" means a person under the age of 16.
- 14 (2) "Convicted" or "conviction" means any of the following
 - 15 (A) A plea of guilty.
 - 16 (B) A plea of no contest, nolo contendere, or the equivalent.
 - 17 (C) A verdict or finding of guilty by a jury, judge, magistrate, or other duly constituted
18 adjudicatory body, tribunal, or official, either civilian or military.
- 19 (3) "License" means a professional educator license issued by the Department of Public Instruction
20 [("DPI")] in accordance with this Subchapter and Chapter 115C, Article 17E of the General Statutes.
- 21 (4) "Local superintendent" means the superintendent of a local school administrative unit, as provided
22 in Chapter 115C, Article 18 of the General Statutes, or the staff member with the highest decision-
23 making authority for a PSU, if there is no superintendent.
- 24 (5) "Respondent" means a person who currently holds a license or who has applied for a license.
- 25 (6) "Student" means a person enrolled in pre-kindergarten, kindergarten, or in Grade 1 through Grade
26 12 in any public school unit, or who has been enrolled in a public school unit within [6] [six] months
27 of an alleged violation of these Standards.

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29 *History Note: Authority G.S. 115C-12(9); 115C-270.1; 115C-270.5; 115C-307;*
30 *Eff. April 1, 1998;*
31 *Temporary Amendment Eff. April 5, 2024. 2024;*
32 *Readoption Eff. July 1, 2025.*
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1 16 NCAC 06C .0602 is readopted with changes as published in 38:07 NCR 388–399 as follows:

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

4 ~~(a) The standards listed in this Section shall be generally accepted for the education profession and shall be the basis~~
5 ~~for State Board review of performance of professional educators. These standards shall establish mandatory~~
6 ~~prohibitions and requirements for educators. Violation of these standards shall subject an educator to investigation and~~
7 ~~disciplinary action by the SBE or LEA.~~

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

13 ~~(b) Professional educators shall adhere to the standards of professional conduct contained in this Rule. Any intentional~~
14 ~~act or omission that violates these standards is prohibited.~~

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

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

21 ~~(2) Conduct with Students. The educator shall treat all students with respect and maintain appropriate~~
22 ~~professional boundaries with all students, regardless of whether that student is directly under the~~
23 ~~care or supervision of the educator. Specifically, the educator shall not engage in any of the~~
24 ~~following conduct toward or in the presence of a student:~~

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

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

28 ~~(C) Solicitation, encouragement, or consummation of a romantic, physical, or sexual~~
29 ~~relationship with a student in any form, whether written, verbal, or physical. As used in~~
30 ~~this context, “solicitation” or “encouragement” shall include engaging in a pattern of~~
31 ~~flirtatious behavior; efforts to gain access to, or time alone with, a student with no clear~~
32 ~~educational or school-related objective; provision of individualized or specialized~~
33 ~~treatment, including tangible or monetary gifts, to a student that does not comply with~~
34 ~~generally recognized professional standards for educators; or any other behavior that could~~
35 ~~be perceived by a rational observer as excessively personal or intimate in the context of the~~
36 ~~educator-student relationship.~~

37 ~~(D) Solicitation, encouragement, or consummation of sexual contact with a student.~~

1 (E) Sexual harassment, as defined in 34 C.F.R. 106.30(a).

2 (F) Child abuse, as defined in G.S. 14-318.2 or G.S. 14-318.4.

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

10 (4) Honesty. The educator shall not engage in conduct involving dishonesty, fraud, deceit, or
11 misrepresentation in the performance of the educator's professional duties, including the following:

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

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

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

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

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

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

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

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

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

36 (6) Proper ~~remunerative conduct.~~ Remunerative Conduct. The educator shall not solicit current students
37 or parents of students to purchase equipment, supplies, or services from the educator in a private

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

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

- 13 ~~(A) — any use of language that is considered profane, vulgar, or demeaning;~~
- 14 ~~(B) — any sexual act;~~
- 15 ~~(C) — any solicitation of a sexual act, whether written, verbal, or physical;~~
- 16 ~~(D) — any act of child abuse, as defined by law;~~
- 17 ~~(E) — any act of sexual harassment, as defined by law; and~~
- 18 ~~(F) — any intentional solicitation, encouragement, or consummation of a romantic or physical~~
19 ~~relationship with a student, or any sexual contact with a student. The term "romantic~~
20 ~~relationship" shall include dating any student.~~

21 ~~(6) (7) Confidential information. Information.~~ The educator shall keep ~~in confidence~~ confidential all
22 personally identifiable information regarding students or their family members that the educator has
23 ~~been~~ obtained in the course of professional service, unless disclosure is required or permitted by law
24 ~~or professional standards;~~ or is necessary for the personal safety of the student or others.

25 ~~(7) (8) Rights of others. Others.~~ The educator shall not willfully or maliciously violate the constitutional or
26 civil rights of a student, ~~parent/legal~~ parent or legal guardian, or colleague.

27 ~~(8) (9) Required reports. Reports.~~ The educator shall make all reports required by ~~G.S. 115C; Chapter 115C~~
28 of the General Statutes.

29 ~~(9) — Alcohol or controlled substance abuse. The educator shall not:~~
30 ~~(A) — be under the influence of, possess, use, or consume on school premises or at a school-~~
31 ~~sponsored activity a controlled substance as defined by G.S. 90-95, the Controlled~~
32 ~~Substances Act, without a prescription authorizing such use;~~
33 ~~(B) — be under the influence of, possess, use, or consume an alcoholic beverage or a controlled~~
34 ~~substance on school premises or at a school-sponsored activity involving students; or~~
35 ~~(C) — furnish alcohol or a controlled substance to any student except as indicated in the~~
36 ~~professional duties of administering legally prescribed medications.~~

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

3 ~~(11) (10) Public funds and property. Funds and Property.~~ The educator shall not misuse public funds or ~~property,~~
4 ~~funds of a school-related organization, or colleague's funds. property or any funds belonging to an organization~~
5 ~~affiliated with the school or PSU.~~ The educator shall account for funds collected from students, colleagues, ~~or~~
6 ~~parents/legal guardians. parents, or legal guardians of students.~~ The educator shall not submit fraudulent requests
7 for reimbursement, expenses, or pay.

8 ~~(12) (11) Scope of professional practice. Professional Practice.~~ The educator shall not perform any ~~act as an~~
9 ~~employee in a position professional duty or function~~ for which licensure is required by ~~the rules of the SBE or by~~
10 ~~G.S. 115C or the North Carolina General Statutes this Chapter or by Chapter 115C of the General Statutes~~ during
11 any period in which the educator's license ~~has been~~ is suspended or revoked.

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

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21 History Note: Authority G.S. ~~115C-295.3; 115C-12(9); 115C-270.5; 115C-307;~~
22 Eff. May 1, 1998;
23 Temporary Amendment Eff. June 6, 2024;
24 Readoption Eff. July 1, 2025.

1 16 NCAC 06G .603 is adopted with changes as published in 38:07 NCR 390–391 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.*

1 16 NCAC 06C .0604 is adopted as published in 38:07 NCR 391 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.

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.*

1 16 NCAC 06C .0605 is adopted with changes as published in 38:07 NCR 391–392 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,~~ 16 NCAC 06C .0603(e), publish the sanction and a brief description of the basis for the
24 sanction on its website and report it to the National Association of State Directors of Teacher Education and
25 Certification, except that this requirement shall not apply to a Written Warning. DPI shall not disclose any information
26 related to the sanction that is considered confidential under Chapter 115C, Article 21A of the General Statutes or is
27 otherwise protected from 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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1 16 NCAC 06G. 0606 is adopted with changes as published in 38:07 NCR 392 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 in writing of the individual's intention to voluntarily surrender the individual's license to the SBE.

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

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

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

1 16 NCAC 06C .0607 is adopted as published in 38:07 NCR 392 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 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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1 16 NCAC 06C .0608 is adopted as published in 38:07 NCR 392–393 as follows:

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

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

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

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

36 (f) In accordance with G.S. 115C-13 and notwithstanding Chapter 115C, Article 21A of the General Statutes, local
37 boards of education and their officers and employees shall provide to the SBE or the Superintendent of Public

1 Instruction, upon request, all personnel records and other investigative records associated with any educator reported
2 to the SBE pursuant to this Rule. This provision does not apply to communications between an attorney and the local
3 board or its officers or employees that is subject to attorney-client privilege.

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5 *History Note: Authority G.S. 115C-12(9); 115C-270.5; 115C-270.30; 115C-270.35; 115C-326.20; 150B-22;*
6 *150B-23;*
7 *Temporary Adoption Eff. April 5, 2024;*
8 *Eff. July 1, 2025.*