

§ 115C-269.45. Sanctions.

(a) **Accountability Statuses.** – The State Board shall at least annually review the accountability status of each EPP. The State Board shall adopt rules necessary for the sanction of EPPs that do not meet accountability standards or comply with State law or rules. The rules shall provide for the assignment of warned, probation, or revoked statuses according to the following criteria:

- (1) **Warned.** – An EPP shall be assigned warned status if the program meets any of the following criteria:
 - a. Fails to meet the performance standards set by the State Board for the overall performance of all its students on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.
 - b. Fails to meet the performance standards in any two sex, race, or ethnicity demographic groups on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.
 - c. Fails to meet the performance standards for any one sex, race, or ethnicity demographic group on any of the indicators set forth in G.S. 115C-269.35(a) for two consecutively measured years, regardless of whether the deficiency is in the same standard.
 - d. The State Board determines that the EPP has violated applicable laws or rules that should result in warned status.
- (2) **Probation.** – An EPP shall be assigned probation status if the program meets any of the following criteria:
 - a. Fails to meet the performance standards set by the State Board for the overall performance of all its students on any of the indicators set forth in G.S. 115C-269.35(a) for two consecutively measured years.
 - b. Fails to meet the performance standards in any three sex, race, or ethnicity demographic groups on any of the indicators set forth in G.S. 115C-269.35(a) in any one year.
 - c. Fails to meet the performance standards for any one sex, race, or ethnicity demographic group on any of the indicators set forth in G.S. 115C-269.35(a) for three consecutively measured years, regardless of whether the deficiency is in the same standard.
 - d. The State Board determines that the EPP has violated applicable laws or rules that should result in probation status.
- (3) **Revoked.** – An EPP shall be assigned revoked status and its approval to recommend students for educator licensure revoked if it meets any of the following criteria:
 - a. Is assigned probation status for three consecutively measured years.
 - b. Has been on probation status for one year and the State Board determines that revoking the program's approval is reasonably necessary to achieve the purposes of this Article.

(b) **Revocation.** – Any revocation of an EPP's accountability status shall meet the following criteria:

- (1) Complies with the requirements of notice as described in subsection (f) of this section.
- (2) Upon assignment of revoked status of EPP approval, the EPP shall not admit new students, but may complete the training of students already admitted by the program and recommend them for licensure. If necessary, the State Board and other EPPs shall cooperate to assist the previously admitted students of the revoked EPP to complete their training.

(3) A revocation shall be effective for a period of at least two years. After two years, the program may seek initial authorization to prepare educators for licensure.

(c) Range of Sanctions. – In addition to revocation as provided in subsections (a) and (b) of this section, the rules described in subsection (a) of this section shall provide for the State Board to assign other sanctions deemed necessary, including one or more of the following:

- (1) Requiring the EPP to obtain technical assistance approved by the State Board.
- (2) Requiring the EPP to obtain professional services under contract with another entity.
- (3) Appointing a monitor to participate in and report to the State Board on the activities of the EPP.
- (4) Managing the EPP's enrollment.

(c1) Small Group Exception. – Notwithstanding the provisions of subsection (a) of this section, the State Board of Education shall adopt a rule to establish a small group exception for circumstances in which there is a risk of identifying individual program participants. The rule shall include the number of students necessary to qualify for the exception and the alternative method of performance assessment and assignment of sanctions. The rule may provide for measuring performance of small student groups cumulatively over multiple years for EPP accountability purposes.

(d) Particular Fields of Licensure. – Any sanction authorized or required to be taken against an EPP under subsection (c) of this section may also be taken with regard to a program for a particular field of licensure authorized to be offered by an EPP.

(e) Costs. – Any costs associated with the sanctions under subsection (c) of this section shall be paid by the EPP.

(f) Notice, Hearing, and Appeal. – The State Board shall give written notice to the EPP by certified mail of an EPP's revocation of authorized status, including a written explanation of the basis for the revocation. An EPP may commence a contested case as provided in Article 3 of Chapter 150B of the General Statutes as to the revocation by the State Board. (2017-189, s. 2(i); 2019-149, ss. 1.5, 2.)