

## **TITLE 1. COMMUNITY COLLEGES**

### **CHAPTER A. STATE BOARD GOVERNANCE**

#### **100. DEFINITIONS**

##### **1A SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION**

#### **200. STATE BOARD AUTHORITY**

##### **1A SBCCC 200.1 MISSION OF THE COMMUNITY COLLEGE SYSTEM**

The mission of the North Carolina Community College System is to open the door to high quality, accessible educational opportunities that minimize barriers to post-secondary education, maximize student success, and improve the lives and well being of individuals by providing:

- (1) education, training and retraining for the workforce, including basic skills and literacy education, occupational and pre-baccalaureate programs;
- (2) support for economic development through services to and in partnership with business and industry; and
- (3) services to communities and individuals which improve the quality of life.

*History Note: Authority G.S. 115D-1; 115D-4.1; 115D-5; 115D-8;  
Eff. September 1, 1993;  
Amended Eff. August 1, 2000; July 1, 1995.*

##### **1A SBCCC 200.2 STATE PLANNING**

The State Board shall review the priorities of the system and adopt a system-level plan on at least a biennial basis, coordinated with the budget cycle. The plan shall take into account the current and future needs of the system and clarify the priorities essential to carrying out the mission of the system.

Note: Substance of former 23 SBCCC 2B .0204 was incorporated into this Rule.

*History Note: Authority G.S. 115D-5;  
Eff. September 1, 1993.*

### **300. COLLEGE SERVICE AREAS**

#### **1A SBCCC 300.1 ESTABLISHING SERVICE AREAS FOR COLLEGES**

(a) The State Board shall assign service areas to colleges for providing education and training services. The initial assignment of service areas to colleges shall take into account the past and present patterns of providing services, including existing agreements between colleges. The State Board may reassign a service area upon the recommendation of the System President. The recommendation shall be based upon an analysis of the service areas involved, including consultation with the presidents of the colleges and the county commissioners of the county(ies) that are affected.

(b) A college may offer education and training in an area assigned to another college using criteria set forth in 1A SBCCC 300.99; 1D SBCCC 300.97; and 1D SBCCC 400.96.

*History Note: Authority G.S. 115D-5;  
Eff. March 1, 1985;  
Amended Eff. August 1, 2004; September 1, 1993.*

#### **1A SBCCC 300.98 ESTABLISHING MILITARY SERVICE AREAS**

Educational programs offered by colleges of the community college system of North Carolina on all military installations will be conducted by the home college. The home college is defined as that college located in the administrative area in which the military installation is based. The home college by written agreement may contract with another college within the community college system to provide any additional educational services which may be required by the military installation located in the home college's area. Priority will be given to adjacent colleges to the military installation to be served.

*History Note: Authority G.S. 115D-5;  
Eff. September 30, 1977;*

*Amended Eff. September 1, 1993.*

**1A SBCCC 300.99 Instructional Service Agreements**

REPEALED by the State Board of Community Colleges, eff. 1 November 2014.

*History Note: Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L. 1995, c. 625;*

*Temporary Adoption Eff. October 31, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Eff. May 1, 1995;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. August 1, 2004; July 1, 1998;*

*Repealed Eff. [November 1, 2014](#).*

**CHAPTER B. COLLEGE OPERATIONS**

**100. DEFINITIONS**

**1B SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION**

**200. ESTABLISHING AND CLOSING COLLEGES AND COLLEGE SITES**

**1B SBCCC 200.1 ESTABLISHING COLLEGES**

A new college operating under Chapter 115D will be called a community college. An application for a new college must come from the county commissioners in the proposed administrative area. The application shall be sent to the state board which may direct the department to cooperate with the applicants in making a survey to determine the following:

- (1) Do the educational needs of the area justify the educational services proposed?
- (2) Can the existing public and private post-secondary institutions in the area meet the needs demonstrated?
- (3) If unmet educational needs exist that could be met by the proposed institution, will the projected student enrollment justify the proposed institution? As a

- standard, the projected enrollment should be a minimum of 400 full-time equivalent students in curriculum programs within three years after establishment.
- (4) Can adequate local current and capital expense funds be supplied? As a standard, the level of local current operating fund support should be equal to the existing median support for the institutions in the community college system.
  - (5) Will the local public school tax support be affected adversely by the local support required for the proposed institution?
  - (6) Do the boards of commissioners and boards of education in the area support the application?
  - (7) Are the facilities proposed to house the new institution adequate?
  - (8) Does the application fit the policy of reasonable geographic distribution in order to meet statewide needs? As a standard, no new institution shall be established within 25 miles of an existing institution within the community college system, except where urban population density or natural barriers become overriding considerations.
  - (9) Will adequate state funds become available to support the proposed new institution?
  - (10) Can the immediate needs of an area best be served by an extension unit operating under contract with an existing institution?

When the survey is completed, the Department will report to the state board and make its recommendation(s). Representatives of the college and board(s) of county commissioners may appear before the State Board and make a presentation at the meeting that the Department's recommendation is considered. The State Board shall make its recommendation(s) for the establishment of a new college to the General Assembly, including a request for additional funds if needed.

*History Note: Authority G.S. 115D-4; 115D-5; 115D-31 through 115D-36;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; January 1, 1988; November 1, 1983; October 5, 1979.*

**1B SBCCC 200.2 NAME**

Trustees of all colleges hereinafter named or renamed shall use the full term, Community College, in the name given the college. Other than the term mentioned in this Rule, the Trustees have full authority to name or rename colleges. Changes in existing names shall be forwarded to the State Board specifying the specific date of the change prior to the effective date. Conformity shall be required before any state funds are authorized.

*History Note: Authority G.S. 115D-2; 115D-5;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; December 1, 1984; October 5, 1979.*

**1B SBCCC 200.99 COMMUNITY COLLEGE CLOSURE: TEACH-OUT PLAN AND RECORDS PRESERVATION**

(a) Any community college which closes shall inform each student and each applicant of its pending closure at least 90 days prior to closure.

(b) Prior to closure, college officials shall help students identify equivalent programs and provide assistance in transferring to other community colleges. A student who is displaced due to a community college closing may transfer to any other community college which offers the student's program without loss of credits or quality points. Community colleges shall give priority admission and placement to transfer students who have been displaced due to a community college closing.

(c) Before closing, the college shall file a copy of all student permanent academic and financial aid records with the Department of Cultural Resources in accordance with the records retention process.

*History Note: Authority G.S. 115D-5; P.L. 102-325;*

*Eff. December 1, 1995.*

**300. BOARD OF TRUSTEES AUTHORITY**

**1B SBCCC 300.1 AUTHORITY**

(a) Each college within the system shall operate under the direction of a board of trustees, a corporate body, which derives its authority from the law and rules of the State Board.

(b) All power and authority vested by law in the State Board which relates to the internal administration, regulation, and governance of any individual college of the community college system are hereby delegated to the board of trustees of such college with the following exceptions and reservations:

- (1) Power or authority that is non-delegable as a matter of law;
- (2) Power or authority in matters of systemwide or inter-college importance is reserved for determination by the State Board;
- (3) The State Board reserves the right to rescind any power or authority as it deems necessary in accordance with G.S. 150B; and
- (4) The governing authority of the State Board pertaining to the assurance of:
  - (A) fiscal accountability,
  - (B) program accountability, and
  - (C) satisfaction of state priorities.

Note: Substance of former 23 SBCCC 2A .0003 and 2B .0303 was incorporated into this Rule.

*History Note: Authority G.S. 115D-3; 115D-5; 115D-8; 115D-12; 115D-25; 150B-22 through 150B-37;*

*Eff. September 1, 1993.*

## **1B SBCCC 300.2 AUTHORIZATION**

The boards of trustees of community colleges as bodies corporate are authorized to do all things necessary and proper to organize and operate colleges consistent with the law and the rules of the State Board.

*History Note: Authority G.S. 115D-5; 115D-14;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; December 1, 1984; September 30, 1977.*

## **400. PROGRAM ACCOUNTABILITY**

### **1B SBCCC 400.96 ACCREDITATION BY THE SOUTHERN ASSOCIATION**

All colleges shall obtain and maintain regional accreditation by the Southern Association of Colleges and Schools. The System President, when requested, will provide assistance to colleges seeking regional accreditation.

*History Note: Authority G.S. 115D-1; 115D-5;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; December 1, 1984; July 1, 1980.*

### **1B SBCCC 400.97 COLLEGE PLANNING**

Each member college of the Community College System shall maintain an ongoing planning process which provides for development of a college plan. As a minimum, college plans shall address program and facility needs; shall include the college's mission, goals and objectives, consistent with the mission of the System and with the State Board's priorities; and shall provide for evaluation of results. Plans shall be submitted to the Department in accordance with its procedures.

*History Note: Authority G.S. 115D-1; 115D-5;*

*Eff. May 1, 1982;*

*Amended Eff. September 1, 1993.*

### **1B SBCCC 400.98 PROGRAM REVIEW**

(a) Each college shall monitor the quality and viability of all its programs and services. Each curriculum program, each program area within continuing education, including Basic Skills, occupational extension, and community service, and each service area shall be reviewed at least every five years to determine program strengths and weaknesses and to identify areas for program improvement. The program review process shall be consistent with the requirements of the regional accrediting agency.

(b) The System Office shall collect data on the outcomes of the following performance measures:

- (1) Progress of basic skills students;

- (2) Passing rate for licensure and certification examinations;
- (3) Goal completion of program completers and noncompleters;
- (4) Employment status of graduates;
- (5) Performance of students who transfer to the university system;
- (6) Passing rates in developmental courses;
- (7) Success rates of developmental students in subsequent college-level courses;
- (8) The level of satisfaction of students who complete programs and those who do not complete programs;
- (9) Curriculum student retention and graduation;
- (10) Employer satisfaction with graduates;
- (11) Client satisfaction with Customized Training Programs; and
- (12) Program enrollment.

Each college shall publish its data on all performance measures annually in its electronic catalog or on the internet and in its printed catalog each time the catalog is reprinted.

(c) The System Office shall report annually to the State Board of Community Colleges on each college's outcomes on these performance measures.

(d) The System Office shall monitor the colleges' performance on all measures to ensure that all measures are being used for the purpose of program improvement.

Note: Substance of former 23 SBCCC 02C .0604 was incorporated into this Rule.

*History Note: Authority G.S. 115D-5; 115D-31.3; 1999 S.L., c. 237, s. 9.2; 1993 S.L., c. 321, s. 109; S.L. 1995, c. 625;  
 Eff. February 1, 1990;  
 Amended Eff. August 1, 1995; September 1, 1993;  
 Temporary Amendment Eff. June 1, 1997;  
 Amended Eff. July 1, 1998;  
 Temporary Amendment Eff. December 6, 1999;  
 Temporary Amendment Expired September 30, 2000;  
 Amended Eff. May 1, 2009; August 1, 2001.*



The trustees and the president of each college are responsible for seeing that scheduled periodic official reports about the college and any special reports are submitted in a timely manner and in the format prescribed by the System President.

*History Note: Authority G.S. 115D-5;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; December 1, 1984.*

## **500. STUDENT RIGHTS AND RESPONSIBILITIES**

### **1B SBCCC 500.98 EDUCATIONAL GUARANTEE**

Local boards of trustees may adopt educational guarantee policies for their colleges. Any educational guarantee policy adopted by a board of trustees shall:

- (1) Be developed in an atmosphere that provides maximum input from faculty, staff, students, employers, university representatives, and community leaders.
- (2) Identify the programs or activities to be guaranteed. This may include the entire program or specific courses. The goal of the system is to include all programs at all community colleges.
- (3) Define the skills, knowledge, or credits to be guaranteed. This may include the guarantee to transfer earned credits taken in transfer programs and the guarantee of technical knowledge and skills needed for successful employment in occupations for graduates.
- (4) Define the population of students who will receive guarantees. This shall include the identification of students, both full-time and part-time, for whom the guarantee applies.
- (5) Define any special conditions of the guarantee. This shall include a time limit and grade achievement.
- (6) Describe how the guarantee may be invoked and how it will be honored.

- (7) Define the educational services or other benefits a student who seeks the guarantee will receive. This may include reimbursement from non-state funds, re-enrollment, tutoring, or counseling.
- (8) State that re-enrolled students shall not pay tuition or fees associated with re-enrollment or other related services. Budget FTE shall not be earned for re-enrolled students.
- (9) Set forth the process to be used by students to invoke the guarantee and the steps to be used by the college to improve the programs in question.

*History Note: Authority G.S. 115D-5; S.L. 1995, c. 625;  
Eff. December 1, 1995;  
Temporary Amendment Eff. June 1, 1997;  
Amended Eff. July 1, 1998.*

#### **1B SBCCC 500.99 SCHOOL ABSENCE FOR RELIGIOUS OBSERVANCES**

Each community college shall adopt a policy that authorizes a minimum of two excused absences each academic year for religious observances required by the faith of a student. The policy may require that the student provide written notice of the request for an excused absence a reasonable time prior to the religious observance. The policy shall also provide that the student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious observance.

*History Note: Authority G.S. 115D-5;  
Temporary Adoption Eff. November 2, 2010;  
Eff. April 1, 2011.*

#### **600. GENERAL COLLEGE OPERATIONS**

##### **1B SBCCC 600.99 INTERCOLLEGIATE ATHLETICS**

(a) No college shall operate an intercollegiate athletic program or team unless the college maintains a membership in good standing with the National Junior College Athletic Association

and Region 10. For the purposes of this Rule, "intercollegiate athletic program or team" does not include club teams.

(b) A college shall not participate in intercollegiate athletics unless any foundation associated with the college pursuant to G.S. 115D-20(9) adopts a policy requiring that the total amount of all athletic scholarships awarded to an individual student-athlete does not exceed the participating student's expenses for tuition, college fees, and course-related books and materials required for the courses in which that student is enrolled.

(c) A college shall not participate in intercollegiate athletics unless the total amount of all athletic scholarships the college awards plus the total amount of all athletic scholarships awarded by any foundation associated with the college pursuant to G.S. 115D-20(9) does not exceed the participating student's expenses for tuition, college fees, and course-related books and materials required for the courses in which that student is enrolled.

(d) State funds shall not be used to create, support, maintain, or operate an intercollegiate athletics program.

(e) Colleges shall neither provide nor offer room and board as part of an intercollegiate athletic scholarship to any student participating in an intercollegiate athletics sport except for temporary room and board associated with specific athletic events.

(f) For the purposes of this Rule, tuition waivers granted are limited to those authorized by statute. Tuition waivers obtained by students participating in any intercollegiate athletics sport shall be deemed to be a scholarship for tuition.

*History Note: Authority G.S. 115D-5;*

*Eff. August 1, 2009.*

## **CHAPTER C. PERSONNEL**

### **100. DEFINITIONS**

### **1C SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION**

### **200. PERSONNEL POLICIES**

## **1C SBCCC 200.94 LOCAL COLLEGE PERSONNEL POLICIES**

(a) Each local board of trustees shall adopt, publish, and implement personnel policies, consistent with all applicable statutes, rules, and regulations, addressing the following issues:

- (1) Adverse weather;
- (2) Annual leave (vacation);
- (3) Drug and alcohol use;
- (4) Civil leave;
- (5) Communicable disease;
- (6) Compensatory leave;
- (7) Definitions of the employment categories and benefits for each:
  - (A) Full-time permanent,
  - (B) Part-time permanent,
  - (C) Full-time temporary, and
  - (D) Part-time temporary;
- (8) Disciplinary action addressing suspension and dismissal;
- (9) Educational leave (reference 1C SBCCC 400.96);
- (10) Employee evaluation process;
- (11) Employee grievance procedures;
- (12) Employee personnel file;
- (13) Hiring procedures (describing procedures used for employment of both full- and part-time employees);
- (14) Leave transfer;
- (15) Leave without pay;
- (16) Longevity pay plan (reference 1C SBCCC 400.98);
- (17) Military leave (reference 1C SBCCC 400.97);
- (18) Nepotism (reference 1C SBCCC 200.98);
- (19) Non-reappointment;
- (20) Other employee benefits;
- (21) Political activities of employees (reference 1C SBCCC 200.99);
- (22) Professional development;
- (23) Reduction in force;

- (24) Salary determination methods for full- and part-time employees that address at least the following:
    - (A) Provisions and criteria for salary determination,
    - (B) Requirements for annual salary review, and
    - (C) Establishment of salary formulas, ranges, or schedules;
  - (25) Sexual harassment;
  - (26) Tuition exemption (reference 1E SBCCC 300.99; 800.97; and 900.98);
  - (27) Sick leave consistent with provisions of the State Retirement system;
  - (28) Secondary Employment that addresses conflict with the employee's primary job responsibilities and institutional resources (the local board of trustees shall approve or disapprove any secondary employment of the president; the president or any member of the college's senior administration designated by the president shall approve or disapprove secondary employment of all full-time employees); and
  - (29) Shared leave consistent with provisions of the Office of State Personnel (reference 25 NCAC 01E .1301 through 25 NCAC 01E .1307).
  - (30) Providing a preference for veterans, as defined in G.S. 128-15, in hiring decisions.
- (b) Each local board of trustees shall submit copies of these policies, including amendments, to the NC Community College System President's office upon adoption.

*History Note: Authority G.S. 115D-5; 115D-20; 115D-25.3;*

*Eff. September 1, 1993;*

*Amended Eff. May 1, 2008; May 1, 2005; January 1, 1996.*

### **1C SBCCC 200.95 CIVIL RIGHTS**

- (a) The colleges shall comply with the provisions of the Civil Rights Act of 1964 and other acts banning discrimination because of race, national origin, color, religion, sex, disability, age or political affiliation.
- (b) Compliance Forms. All colleges shall maintain up-to-date compliance forms for the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and Title IX of the Education Amendments of 1972.

*History Note: Authority G.S. 115D-5; P.L. 88-352, as amended; P.L. 92-318; P.L. 93-608; P.L. 95-555;  
P.L. 101-336; P.L. 102-166; S.L. 1995, c. 625;  
Eff. February 1, 1976;  
Readopted Eff. January 5, 1978;  
Amended Eff. July 1, 1998; September 1, 1993; July 1, 1981; July 1, 1980;  
January 14, 1980.*

### **1C SBCCC 200.96 EQUAL EMPLOYMENT OPPORTUNITY**

The employment and assignment of all college personnel shall be solely on the basis of qualifications and without regard to race, national origin, color, religion, sex, disability, age, or political affiliation.

*History Note: Authority G.S. 115D-5; 45 C.F.R. 676.52;  
Eff. February 1, 1976;  
Readopted with Change Eff. January 5, 1978;  
Amended Eff. September 1, 1993; July 1, 1981.*

### **1C SBCCC 200.97 EMPLOYMENT OF WOMEN AND MINORITIES IN ADMINISTRATIVE POSITIONS**

The community colleges shall seek to employ women and minorities in administrative positions.

*History Note: Authority G.S. 115D-5; P.L. 88-352;  
Eff. February 1, 1976;  
Readopted Eff. January 5, 1978;  
Amended Eff. September 1, 1993; January 14, 1980.*

### **1C SBCCC 200.98 EMPLOYMENT OF RELATIVES**

A college shall not employ two or more persons concurrently who are closely related by blood or marriage in positions which would result in one person of such family relationship supervising

another closely related person or having a substantial influence over employment, salary or wages, or other management or personnel actions pertaining to the close relative. "Closely related" is defined to mean mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, uncle, aunt, nephew, niece, husband, wife, step-parent, step-child, step-brother, step-sister, guardian or ward. With respect to the concurrent service of closely related persons within the same academic department or other comparable college subdivision of employment, neither relative shall be permitted, either individually or as a member of a committee, to participate in the evaluation of the other relative.

*History Note: Authority G.S. 115D-5; 115D-20;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; August 17, 1981.*

## **1C SBCCC 200.99 POLITICAL ACTIVITIES OF EMPLOYEES**

(a) As an individual, each employee of the community college system retains all rights and obligations of citizenship provided in the Constitution and laws of North Carolina and the Constitution and laws of the United States. Therefore, the State Board encourages employees of the system to exercise their rights and obligations of citizenship.

(b) Each local board of trustees shall develop a policy on the political activities of its employees, except for the president, that meets the following criteria and submit that policy to the System President to determine if the policy meets these criteria:

- (1) Employees who decide to run for public offices shall notify the board of trustees through the president of their intentions to run and certify that they will not campaign or otherwise engage in political activities during their regular work hours or involve the college in their political activities.
- (2) Any employee, who is elected to a part-time public office, shall certify through the president to the board of trustees that the office will not interfere with his carrying out the duties of the position with the college, or request leave.

- (3) Any employee, who is elected or appointed to a full-time public office or the General Assembly, shall be required to take a leave of absence without pay upon assuming that office. The length of the leave of absence shall be determined by the local board of trustees.
- (4) Any employee who becomes a candidate for public office shall be prohibited from soliciting support during regular work hours. The employee in question is prohibited from soliciting support on college property unless otherwise authorized by the local board of trustees.

(c) Political activities of college presidents.

- (1) Any college president, who decides to run for public office, shall notify the local board of trustees of the intention to run and certify that no campaigning or political activities will be engaged in during regular work hours and that the college will not be involved in the president's political activities.
- (2) Any college president, who is elected to a part-time public office, shall certify to the local board of trustees that the office will not interfere with carrying out the duties of the college presidency, or request leave.
- (3) Any college president, who is elected or appointed to a full-time public office or to the General Assembly, shall be required to take a leave of absence without pay upon assuming that office. The length of the leave of absence shall be determined by the local board of trustees.
- (4) Any college president, who is a candidate for public office, is prohibited from soliciting support during regular work hours. The president in question is prohibited from soliciting support on college property unless otherwise authorized by the local board of trustees. The authorization must be on a case-by-case basis.
- (5) The local board of trustees shall notify the state board if the college president should become a candidate for public office or if the college president is elected or appointed to a public office.

(d) Definitions as used in this Rule.

- (1) Public office means any national, state or local governmental position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by constitution, statute, or ordinance.



- (2) Membership in the General Assembly is a full-time public office under this Rule.

*History Note: Authority G.S. 115D-5; 115D-20;  
Eff. September 1, 1988;  
Amended Eff. September 1, 1993.*

### **300. EMPLOYMENT/HIRING PRACTICES**

#### **1C SBCCC 300.96 ADMINISTRATIVE**

Selection of personnel is the responsibility of the trustees upon the recommendation of the president except for the president who must be approved by the State Board.

*History Note: Authority G.S. 115D-1; 115D-2; 115D-5;  
Eff. February 1, 1976;  
Amended Eff. August 17, 1981; September 30, 1977.*

#### **1C SBCCC 300.97 FACULTY**

##### **(a) General**

- (1) Colleges shall employ faculty members so as to meet Southern Association of Colleges and Schools' criteria.
- (2) Colleges shall determine appropriate teaching and non-teaching loads for faculty and for technical assistants to the faculty so as to meet Southern Association of Colleges and Schools' criteria.
- (3) The Principles of Accreditation: Foundations for Quality Enhancement Commission on Colleges, Southern Association of Colleges and Schools, current edition is hereby adopted by reference, including any subsequent amendments and editions of this book, to apply to community colleges. Copies for The Principles of Accreditation: Foundations for Quality Enhancement may be inspected in or obtained at no cost from the Office of the System President, Department of Community Colleges, 200 W. Jones Street, Raleigh, NC 27603-1379.

(b) Instructors for Extension Emergency Services Training. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

*History Note: Authority G.S. 115D-5.*

*Eff. February 1, 1976;*

*Amended Eff. March 1, 2007; July 1, 1998; September 1, 1993; August 17, 1981;*

*September 30, 1977.*

### **1C SBCCC 300.98 EVALUATION OF PRESIDENTS**

(a) Methodology and Instrumentality. Each local board of trustees shall evaluate the performance of its president annually. The evaluation instrument and methodology shall be selected by the local board, but the evaluation shall, at a minimum, include the following categories:

- (1) General administration;
- (2) Relationships including:
  - (A) Internal relationships with faculty, staff, students, and trustees; and,
  - (B) External relationships with business and industry, the media, governmental bodies, and the general public;
- (3) Personal attributes;
- (4) Personnel administration;
- (5) Fiscal and facilities administration; and,
- (6) Academic administration.

(b) Reporting Requirements. Prior to June 30 of each year, each college board of trustees shall, in writing, notify the State Board of the following:

- (1) The time period for which its president was evaluated and the date the evaluation was completed;
- (2) Description of the methodology used for the evaluation;
- (3) Certification that the evaluation included a written assessment of the president's performance in each of the categories identified in Paragraph (a) of this Rule;

- (4) Certification that the full board discussed the evaluation results and the results were discussed with the president; and,
- (5) Certification that appropriate action, as defined by the local board, has been taken if the president's performance is less than satisfactory in any of the categories identified in Paragraph (a) of this Rule.

*History Note: Authority G.S. 115D-5; 115D-20;*

*Eff. September 1, 1993;*

*Amended Eff. October 1, 2006.*

### **1C SBCCC 300.99 RE-EMPLOYMENT OF RETIRED PERSONS**

Retired persons may be re-employed in accordance with social security regulations, and policies regulating the State Employees' Retirement System.

*History Note: Authority G.S. 115D-5; 115D-22;*

*Eff. February 1, 1976.*

## **400. SALARIES AND BENEFITS**

### **1C SBCCC 400.94 ESTABLISHING PAY RATES**

(a) The monthly and annual salaries or hourly rates of pay from state funds for full-time and part-time personnel in community colleges shall be established by the college president and approved by the board of trustees within the budget approved for the college by the State Board except that the state-funded portion of the president's salary shall be approved by the system president in accordance with the state salary schedule for presidents. Salary increases shall be granted annually or upon promotion to a higher position. Legislative increases shall be granted according to requirements set forth by the General Assembly. The State Board shall adopt a minimum and maximum amount of state funds which may be paid to any individual working in a college. Individuals shall be paid no less than the minimum and not more than the maximum amounts at a level determined by the salary approving authority at the college.

(b) All hourly, monthly, and annual salaries for full-time or part-time personnel shall be certified by the president of the college and reported to the System Office.

(c) The State Board shall adopt a state salary schedule for presidents in the system. The System President shall determine the proper placement of a newly-hired president on the state salary schedule based on the size of the college and the individual's years of eligible experience in accordance with the following provisions:

- (1) For the purpose of this Paragraph, an increment is defined as an additional year of experience on the state salary schedule adopted by the State Board.
- (2) College size shall be determined by the total FTE served and reported in the enrollment reports furnished the system office.
- (3) A president of a post-secondary education institution shall be allowed increments for prior experience on a year-for-year basis for a maximum of 20 years.
- (4) An executive vice president, vice president, other senior administrator of a post-secondary institution, a state-level administrative department, or a superintendent of a public school system may be given increment experience on the president salary schedule upon recommendation of the board of trustees and approval of the System President as follows:

one increment for three years of actual experience;  
two increments for five years of actual experience;  
three increments for seven years of actual experience;  
four increments for 10 or more years of actual experience.

A president, chief operating officer or chief financial officer of a business or industry may be granted increment experience as provided in this Part.

- (A) Progression from the minimum or "0" step to the midpoint or step "20" shall be based on additional years of experience;
  - (B) Advancement toward grade maximum after attaining the midpoint of the grade shall be based on merit increases as recommended by the local boards and within state allocations available;
  - (C) Newly-hired presidents shall not receive salary increments for any years in which a salary freeze was in effect for community college presidents.
- (5) Changes in grade levels:

- (A) Presidents with 0 to 20 years of eligible experience moving to another grade shall be placed in the new grade's range at the current experience level; and
- (B) Presidents with greater than 20 years of experience moving to a lower grade will receive a salary adjustment only if the current salary exceeds the new salary grade's maximum salary limit, in which case, the salary will be adjusted to the maximum of the new grade.
- (6) Total salary compensation from all sources shall not exceed the maximum for the salary grade as determined by the college's size. Salary compensation is defined as those monies paid from whatever source for which no documentation or expense is required, or which is treated as salary for retirement benefit purposes.
- (7) An interim or acting president's salary will be set at the step of the salary grade for the respective college. Years of eligible experience will be awarded up to 20 years for placement on the appropriate step. However, a board of trustees may grant a college employee appointed interim or acting president a 10 percent salary increase instead of placing the employee on the president's salary schedule.
- (8) Presidential salary grades shall reflect the following:

FTE	Minimum	Midpoint	Maximum
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These data shall be increased annually based on legislative action and reviewed no less than every three years to assure their continued national competitiveness.

(d) Post-secondary institution as used in this Rule means a junior college, community college or four-year institution of higher education.

*History Note: Authority G.S. 115D-5; 115D-54; S.L. 2005-276;*

*Eff. February 1, 1976;*

*Amended Eff. March 1, 2007; December 1, 2004; September 1, 1993; December 1, 1989; July 1, 1984; August 1, 1981.*

**1C SBCCC 400.95 CONTRACT BUY OUTS**

(a) Contracts entered into by boards of trustees may not be bought out with state funds, unless required by a court of competent jurisdiction. The parties entering into a contract are responsible

for implementing the contract. Therefore, should it become necessary to terminate employment prior to the expiration of a contract and if it is necessary to buy out the contract, such payment shall not be paid from state funds.

(b) An individual in a state-funded position whose employment is terminated prior to the expiration of a contract may not be re-employed by the college to offset the lost wages which the employee would have received under the contract. All efforts shall be made to prevent terminations which require the buying out of contracts.

(c) If an individual whose employment contract has been terminated enters into another employment agreement with the college, such employment shall be for a salary commensurate with the services being performed. Such employment shall not be to provide the employee the same level of compensation he or she would have received under the former contract.

*History Note: Authority G.S. 115D-5; 115D-20;*

*Eff. December 1, 1995.*

### **1C SBCCC 400.96 EDUCATIONAL LEAVE WITH PAY**

(a) The term "educational leave" refers to the release from duties or time normally required of a full-time employee in carrying out the full load of responsibilities assigned to further his education.

(b) Each local board of trustees shall adopt an educational leave policy for employees. State funds may be used to pay employee salaries while they are on educational leave if the following criteria are incorporated in the local board of trustees' policy:

- (1) The employee is employed full-time on a 9-, 10-, 11-, or 12-month basis.
- (2) The employee shall be under contract to the college for the next fiscal year.
- (3) Educational leave shall not exceed one semester per fiscal year.
- (4) An employee who fails to honor the contract stipulated in Subparagraph (b)(2) of this Rule shall be required to repay the amount expended for the educational leave. If the employee fulfills a portion of the contract before failing to honor the contract, repayment shall be based on a pro-rata portion (e.g., if an employee works 4 months of a 12-month contract, a repayment of 66.7 percent of the educational leave would be required).

*History Note: Authority G.S. 115D-5; 115D-20; 115D-31; S.L. 1995, c. 625;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1993; August 17, 1981; January 6, 1978;*  
*Temporary Amendment Eff. June 1, 1997;*  
*Amended Eff. July 1, 1998.*

### **1C SBCCC 400.97 MILITARY LEAVE**

(a) The rules concerning military leave, codified as Title 25, Subchapter 1E, Section .0800, are hereby incorporated by reference including any subsequent amendments and editions of these rules to apply to community college system employees.

(b) Copies of 25 NCAC, Subchapter 1E, Section .0800 may be inspected in or obtained, at no cost, from the Office of the System President, Department of Community Colleges, 200 West Jones Street, Raleigh, North Carolina, 27603-1379.

*History Note: Authority G.S. 115D-5; 127A-116; 150B-21.6;*  
*Eff. February 1, 1976;*  
*Amended Eff. March 1, 1997; September 1, 1993; August 17, 1981.*

### **1C SBCCC 400.98 LONGEVITY PAY PLAN FOR COLLEGE PERSONNEL**

(a) Employees of institutions in the community college system assigned to permanent full-time or permanent part-time positions shall receive longevity pay if the employees meet the requirements of total qualifying service set forth in this Rule.

(b) Total service for the longevity pay plan is based on a month-for-month computation of permanent full-time and permanent part-time (20 hours or more, but less than full-time) employment with:

- (1) an institution in the community college system or a school administrative unit regardless of the source of salary and including state, local or other paid employment.
  - (A) Employment for a school year is equivalent to one full calendar year (credit for a partial year is given on a month-for-month basis).

- (B) In no event will an employee earn more than a year of total service credit in a 12-month period.
  - (C) If an employee is in pay status (working, exhausting vacation or sick leave, or when on workers' compensation leave or is on authorized military leave) for one-half or more of the regularly scheduled workdays in a month, credit shall be given for the entire month.
- (2) departments, agencies, and institutions of the State of North Carolina, (e.g., State Department of Administration, State Revenue Department, University of North Carolina, State Department of Community Colleges, State Department of Public Instruction).
  - (3) other governmental units which are now agencies of the State of North Carolina (e.g., county highway maintenance forces, War Manpower Commission, judicial system).
  - (4) county agricultural extension service.
  - (5) local mental health, public health, social services or civil preparedness agencies in North Carolina, if such employment is subject to the State Personnel Act.
  - (6) authorized military leave.
- (A) Credit for military leave is granted only for persons who were employees of the State of North Carolina or other agencies listed in Paragraph (b) of this Rule who were granted leave without pay:
    - (i) for a period of involuntary service plus 90 days or for a period of voluntary enlistment for up to four years, plus 90 days, so long as they returned to employment in a covered agency within the 90 days; or
    - (ii) for a period of active duty for service, alerts, or required annual training while in the National Guard or in a military reserve program.
  - (B) Employees who enlist for more than four years or who re-enlist shall not be eligible for military leave.
  - (C) Employees hospitalized for a service-connected disability or injury shall be granted additional leave without pay for the period of hospitalization



plus 90 days or for 12 months, whichever is shorter. The hospitalization must commence before reinstatement into qualifying service for the provisions of this part to apply.

(c) Total service for the longevity pay plan does not include:

- (1) Temporary service, that is, service by an employee who works in a temporary position, or who is working temporarily in the absence of a permanent employee on leave of absence, except that temporary service of employees of the General Assembly will be counted and the full legislative terms of the members. Service of legislative interns and pages will not be counted.
- (2) Periods of out-of-state employment with other states, schools, colleges or universities.
- (3) Periods of employment with agencies of the federal government.
- (4) Periods of military service other than those categories described in Subparagraph (b) (6) of this Rule.
- (5) Periods of employment for employers other than the State of North Carolina even though credit in the North Carolina retirement system has been purchased for such employment.

(d) An employee assigned to a permanent full-time or permanent part-time position is eligible for longevity pay only after the date the employee has completed ten years of total service with a community college, a school administrative unit or an agency.

(e) Annual longevity pay amounts are based on the length of total service to agencies, community colleges, and school administrative units as designated in Paragraph (b) of this Rule and a percentage of the employee's annual rate of pay on the date of eligibility.

- (1) Longevity pay amounts are computed by multiplying the employee's annual base or contract salary rate as of the eligibility date by the appropriate percentage, rounded to the nearest dollar, in accordance with the following table:

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Years of Total State Service	Longevity Pay Rate
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10 but less than 15 years	1.50%
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15 but less than 20 years	2.25%
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20 but less than 25 years	3.25%
25 or more years	4.50%

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- (2) Longevity pay is not considered a part of annual base or contract pay nor is it to be represented in personnel and payroll records as a part of annual base or contract salary. (Salary increases effective on the same date as the longevity eligibility date shall be incorporated in the base pay before computing longevity).
- (f) The payment of longevity pay to eligible employees is automatic. Payment shall be made in a lump sum, subject to all statutory deductions, during the monthly pay period in which the employee has satisfied all eligibility requirements.
- (1) Eligible employees on worker's compensation leave shall receive longevity payment in the same manner as if they were working.
  - (2) If an employee retires, resigns, dies, or is otherwise separated on or after the date of becoming eligible for a longevity payment, the full payment shall be made to the employee or to the estate of the employee in case of death.
  - (3) If, on the effective date of this policy, an employee has completed the qualifying length of service but is between eligibility dates, longevity payment will be made on the next longevity anniversary date.
  - (4) If the employee has worked part but not all of one year since qualifying for longevity payment, the employee shall receive a pro-rata payment in the event of:
    - (A) separation from the institution;
    - (B) change in employment status to temporary part-time, or to a position not covered in this policy.
  - (5) If an employee separates from a community college and receives a partial longevity payment and is employed by another community college, school administrative unit, or state agency, the balance of the longevity payment shall be made upon completion of additional service totaling 12 months for an employee having a 12-month period of employment, or upon completion of a lesser term for an eligible employee on less than a 12-month period of employment. The balance due is computed on the annual or contract salary being paid at the completion of the requirement.

- (6) If an eligible employee at the time of separation has a fraction of a year toward the next higher percentage rate, payment shall be based on the higher rate; however, the basic eligibility for longevity requirement must have been satisfied before this provision can apply.
  - (7) Leave without pay in excess of one-half the work days in a month (with the exception of authorized military leave and worker's compensation leave) will delay the longevity anniversary date on a month-for-month basis.
- (g) Longevity pay shall be made from the same source of funds and in the same pro-rata amounts from which the employee's regular annual salary is paid (e.g. state, federal, local funds).
- (1) Local trustees may provide longevity payments to employees from other than state allotted funds.
  - (2) Only personnel employed in positions allotted by the formula in Rule 1H SBCCC 200.87(d) of this Subchapter shall receive longevity pay from the longevity reserve. An additional allocation will be made for this purpose.
  - (3) Employees in state-allotted positions paid with state-allotted funds other than regular formula allotments shall receive longevity pay from the same source of funds as their salary payment.
  - (4) Employees paid with the following specified funds shall receive longevity pay from these respective sources:
    - (A) Adult basic education funds,
    - (B) Human resource development funds,
    - (C) New industry funds,
    - (D) JTPA funds,
    - (E) Special allotment funds,
    - (F) Federal vocational educational funds, and
    - (G) Local funds.
- (h) The president of each community college shall:
- (1) Determine the quantity of qualifying service and the longevity anniversary date for each eligible employee.
  - (2) Furnish to the state board, on forms prescribed by the Department, data necessary for a determination of the cost of the longevity pay plan from state funds.

(i) The President of the Community College System shall determine the total cost of the longevity pay plan from data submitted by each community college. If funds are not adequate to pay longevity rates established under this Rule, the President of the Community College System shall submit a budget revision to the State Budget Officer requesting additional funds from other available sources within State Aid.

*History Note: Legislative Objection Lodged Eff. October 10, 1980;*

*Legislative Objection Removed Eff. November 20, 1980;*

*Filed as an Emergency Amendment Eff. July 7, 1980 for a period of 120 days to expire on*

*November 5, 1980;*

*Authority G.S. 115D-5; S.L. 1979, ch. 1137, s. 21;*

*Eff. September 15, 1977;*

*Emergency Amendment Expired Eff. November 5, 1980;*

*Amended Eff. June 1, 1991; August 1, 1983; July 1, 1981; November 6, 1980.*

### **1C SBCCC 400.99 PAYROLL DEDUCTIONS**

Colleges are authorized to establish voluntary payroll deduction plans for the following:

- (1) premiums for any type of group insurance established and authorized by the laws of the state;
- (2) amounts authorized by members of the State Employee's Credit Union and local teacher's credit union to be deposited with such organizations;
- (3) loans made to employees by credit unions;
- (4) charitable organizations as defined in Section 501(c) (3) of the Internal Revenue Code approved by the local board of trustees subject to rules and regulations adopted by the director of budget; and
- (5) Payroll Savings Plan for United States Savings Bonds as authorized in G.S. 143-304.

The college's finance officer is also authorized to enter into annual contracts, with employees of the college, which authorize the reduction of salaries to provide for the purchase of annuity or

retirement income contracts provided that such action has been approved by the board of trustees and otherwise conforms to the provisions of G.S. 115D-25.

*History Note: Authority G.S. 115D-5; 115D-22; 115D-25; 143-3.3; 143-304;  
Eff. February 1, 1976;  
Amended Eff. August 1, 1983; August 17, 1981; January 6, 1978.*

## **CHAPTER D. EDUCATION PROGRAMS**

### **100. DEFINITIONS**

#### **1D SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION**

### **200. BASIC SKILLS**

#### **1D SBCCC 200.1 BASIC SKILLS DEFINITIONS**

Reserved for Future Codification

#### **1D SBCCC 200.2 ENROLLMENT/ELIGIBILITY REQUIREMENTS**

Reserved for Future Codification

#### **1D SBCCC 200.3 PROGRAM CLASSIFICATION**

The following criteria are used for classifying the programs offered in the North Carolina Community College System.

(1) Curriculum Programs:

- (a) A curriculum program is an organized sequence of courses leading to an associate degree, a diploma, or a certificate. All curriculum programs are designed to provide education, training, or retraining for the work force.
  - (i) Associate degree programs are planned programs of study culminating in an associate in applied science, associate in arts, associate in fine arts, associate in science, or associate in general education degree.

- (A) The associate in applied science degree programs are designed to prepare individuals for employment. These programs involve the application of scientific principles in research, design, development, production, distribution, or service.
  - (B) The associate in arts, associate in science, and associate in fine arts degree programs are designed to prepare students for transfer at the junior level to institutions offering baccalaureate degrees.
  - (C) The associate in general education degree programs are designed for students who desire a general liberal arts education.
- (ii) The diploma programs are designed to provide entry-level employment training. A diploma program may be a stand-alone curriculum program title, or a college may award a diploma under the college's associate in applied science degree curriculum program for a series of courses taken from the program of study and structured so that a student may complete additional non-duplicative coursework to receive an associate in applied science degree.
  - (iii) The certificate programs are designed to lead to employment or to provide skills upgrading or retraining for individuals already in the workforce. A certificate program may be a stand-alone curriculum program title, or a college may award a certificate under the college's associate degree or diploma curriculum program for a series of courses taken from the program of study.
- (b) Developmental Education programs consist of courses and support services which include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning.

Developmental courses do not earn credit toward a degree, diploma, or certificate.

(2) Continuing Education Programs:

(a) Occupational Extension courses consist of single courses, each complete in itself, designed for the specific purposes of training an individual for full- or part-time employment, upgrading the skills of persons presently employed, and retraining others for new employment in occupational fields.

(b) Community Service:

(i) Community Service courses consist of single courses, each complete in itself, that focus on an individual's personal or leisure needs rather than occupational or professional employment.

(ii) The cultural and civic, and visiting artist component of this program meets community needs through lecture and concert series, art shows, the use of college facilities by community groups, providing speakers to community organizations, and providing visiting artist activities for college communities. Visiting artists may be provided an opportunity to work as artists in residence to enhance local arts resources and promote the various visual, performing and literary arts in communities throughout North Carolina.

(c) Self-Supporting Programs:

(i) A self-supporting course is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled.

(ii) Recreational programs are self-supporting courses which the college may provide at the request of the community but for which the college receives no budgetary credit. Funds appropriated as operating expenses for allocation to the colleges shall not be used to support recreation courses. The financing of these courses by a college shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when

computing full-time equivalent students for use in budget-funding formulas at the state level.

- (d) **Basic Skills Programs.** The State Board and the community college system shall encourage persons to complete high school rather than seek testing for the High School Diploma Equivalency.
  - (i) High School Equivalency programs consist of classroom instruction, learning laboratory courses, or a combination of activities designed to qualify a student for an adult high school diploma. An Agreement of Affiliation with a local public school system is required for minors sixteen or seventeen years old. No agreement is required for adults eighteen years old and older.
  - (ii) General Educational Development (GED) testing programs consist of classroom instruction, or learning laboratory courses, or a combination of both designed to qualify a student to demonstrate competency on the General Educational Development (GED) tests and to receive a High School Diploma equivalency from the State Board. The State Board is responsible for the administration of the General Educational Development testing program in cooperation with the Office on Educational Credit of the American Council on Education. The procedures regulating the GED Testing Program set forth in the GED Examiner's Manual published by the General Educational Development Testing Service of the American Council on Education are hereby incorporated by reference. A copy of this manual is available for inspection in the Office of the System President, Community College System Office, 200 W. Jones Street, Raleigh NC 27603-1379. A copy of this manual may be obtained at a cost of fifteen dollars (\$15.00) from the GED Testing Service of the American Council on Education, One Dupont Circle NW, Suite 250, Washington, DC 20036-1163.
  - (iii) The Adult Basic Education (ABE) program is designed for adults who are functioning at or below the eighth grade educational level.



The major objectives of the program are to enable adults to acquire the basic educational skills necessary to be fully competent in our society, to improve their ability to benefit from occupational training and to have greater opportunities for more productive and profitable employment, and to meet their own objectives for enrolling in the program. Classes are offered and focus on fundamental skills such as reading, writing, speaking, computing, critical thinking, and problem solving.

- (iv) The English as a Second Language (ESL) program offers classes which accommodate the varied needs of the immigrant and refugee populations. Attention is given to both the cultural and linguistic needs as instruction is focused upon the formation of accurate, appropriate communication skills and upon the student's ability to function in the adult American community. Classes are offered at the beginning through the advanced levels of ESL. The curriculum is designed to develop the basic language skills of reading, writing, speaking, and listening. Instruction integrates the English language with topics that prepare students for everyday life, employment, and citizenship.
- (v) The Compensatory Education (CED) program is designed for adults with mental retardation. The program is highly individualized and fosters a maximum level of independent living commensurate with personal ability. Instruction is offered in math, language, social science, health, community living, consumer education and vocational education.
- (e) Customized Training Program.
  - (i) The Customized Training Program addresses company-specific training customized for job growth, technology investment, or productivity enhancement. Based on needs specified in G.S. 115D-5.1, Customized Training Programs shall address job-specific training.

- (ii) The Small Business Center program provides training, counseling and referral services especially designed in content and delivery modes for small businesses, both existing and prospective.
- (f) The Human Resources Development (HRD) program provides skill assessment services, employability skills training, and career development counseling to unemployed and underemployed adults. These courses shall address six core components as follows:
  - (i) assessment of an individual's assets and limitations;
  - (ii) development of a positive self-concept;
  - (iii) development of employability skills;
  - (iv) development of communication skills;
  - (v) development of problem-solving skills; and
  - (vi) awareness of the impact of information technology in the workplace.
- (g) The Learning Laboratory programs consist of self-instruction using programmed texts, audio visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the lab.

*History Note: Authority G.S. 115D-1; 115D-2; 115D-5; S.L. 1995, c. 625; S.L. 2001, c. 424, s. 30.3(b), (e);*

*Eff. February 1, 1976;*

*Readopted Eff. January 24, 1978;*

*Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. July 1, 1998;*

*Temporary Amendment Eff. October 4, 2001;*

*Amended Eff. June 1, 2009; April 1, 2003.*

(a) General

- (1) Colleges shall employ faculty members so as to meet Southern Association of Colleges and Schools' criteria.
- (2) Colleges shall determine appropriate teaching and non-teaching loads for faculty and for technical assistants to the faculty so as to meet Southern Association of Colleges and Schools' criteria.
- (3) The Principles of Accreditation: Foundations for Quality Enhancement Commission on Colleges, Southern Association of Colleges and Schools, current edition is hereby adopted by reference, including any subsequent amendments and editions of this book, to apply to community colleges. Copies for The Principles of Accreditation: Foundations for Quality Enhancement may be inspected in or obtained at no cost from the Office of the System President, Department of Community Colleges, 200 W. Jones Street, Raleigh, NC 27603-1379.

(b) Instructors for Extension Emergency Services Training. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

*History Note: Authority G.S. 115D-5.*

*Eff. February 1, 1976;*

*Amended Eff. March 1, 2007; July 1, 1998; September 1, 1993; August 17, 1981;*

*September 30, 1977.*

**1D SBCCC 200.94 BASIC SKILLS PLAN**

Reserved for Future Codification

**1D SBCCC 200.95 EDUCATION SERVICES FOR MINORS**

(a) The major purpose of community colleges is to serve students who have graduated from high school or are beyond the compulsory age limit of the public school and have left public school. However, a minor may seek admission to a community college subject to the conditions in this Section.

(b) Drop-out. A minor, 16 years old or older, who is not currently enrolled in a public or private educational agency may be admitted to a Basic Skills or Continuing Education program at a college if a North Carolina local public or private educational agency, where the minor now resides, determines that admission to a Basic Skills or Continuing Education program is the best educational option for the student and the admission of the student to a Basic Skills or Continuing Education program is approved by the college under one of the following conditions:

- (1) If the minor, 16 years old or older, has officially withdrawn from a public or private educational agency within the last six months, a college may admit the minor to a Basic Skills or Continuing Education program if the minor obtains a signed official withdrawal form from the local public or private educational agency and a notarized petition of the minor's parent, legal guardian, or other person or agency having legal custody and control. The petition shall certify the minor's residence, date of birth, date of leaving school, name of last school attended, and the petitioner's legal relationship to the minor.
- (2) If the minor, 16 years old or older, has officially withdrawn from a public or private educational agency for at least six months, a college may admit the minor to a Basic Skills or Continuing Education program without the release form from the public or private educational agency. However, the minor must obtain a notarized petition of the minor's parent, legal guardian, or other person or agency having legal custody and control. The petition shall certify the minor's residence, date of birth, date of leaving school, name of last school attended, and the petitioner's legal relationship to the minor.
- (3) If the minor is an emancipated minor, the requirement for the release form from the public or private educational agency and the requirement for the notarized petition are waived. The minor must provide legal documentation of emancipation. Admission requirements for an emancipated minor shall be the same as for an applicant 18 years old or older.

(c) Concurrent Enrollment. Concurrent enrollment allows a high school student to be enrolled in high school and in a local institution of higher education at the same time. A high school student, 16 years old or older, based upon policies approved by the local public or private board of education and board of trustees, may be admitted to any curriculum course one hundred level

and above or any continuing education course, except adult basic skills, concurrently under the following conditions:

- (1) Upon recommendation of the chief administrative school officer and approval of the president of the college;
- (2) Upon approval of the student's program by the chief administrative school officer and the president of the college; and
- (3) Upon certification by the chief administrative school officer that the student is taking the equivalent of one-half of a full-time schedule and is making progress toward graduation.

(d) High school students, taking courses pursuant to Paragraph (c) of this Rule, shall not displace adults but may be admitted during any term on a space-available basis to any curriculum course one hundred level and above or any continuing education course, except adult basic skills. Once admitted, they shall be treated the same as all other students.

(e) Huskins. Huskins programs enrich high school students by providing college level academic, technical, and advanced vocational courses to high school students that would not otherwise be available to them. Local boards of trustees and local school boards may establish cooperative programs in areas they serve in order to provide college courses to high school students. College credits shall be awarded to those high school students upon successful completion of the courses. Cooperative programs shall be approved, prior to implementation, by the State Board or its designee.

(f) Learn and Earn Online Program:

- (1) Definition of Credits. For the purposes of this section, credits mean curriculum courses 100 level or above. For the purposes of this section, credits do not include continuing education courses, cooperative education courses (COE), selected topics (SEL), or seminar topics (SEM).
- (2) Definition of Disabilities. For the purposes of this Section, disabilities shall mean "persons with disabilities" as defined in G.S. 168A-3(7a).
- (3) Student Eligibility. A student shall be permitted to enroll in any online courses through North Carolina community colleges for college credit, regardless of the college service areas in which the student resides under the following conditions:

- (A) The student must be enrolled in a North Carolina school or have completed all high school graduation requirements in a North Carolina school throughout the duration of the online course;
  - (B) The student must be enrolled in the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> grades;
  - (C) The student's enrollment in an online course for college credit is subject to space availability;
  - (D) The student must meet the prerequisites, co-requisites and course admission requirements as published in the college's catalog at the time the student seeks to enroll in the online course;
  - (E) A student enrolled in grades 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> is participating in the Learn and Earn Online program by virtue of enrolling in a Learn and Earn Online course; and
  - (F) High school students attending a nonpublic school may enroll in any Learn and Earn Online course with space available that has been offered to but not filled by any eligible public school student.
- (4) Course Eligibility.
- (A) Only online courses in the NCCCS Combined Course Library numbered 100 and above are eligible for Learn and Earn Online credits, excluding cooperative education courses (COE), selected topics (SEL), and seminar topics (SEM).
  - (B) Only online courses that generate budget FTE are eligible for Learn and Earn Online credits.
  - (C) To be eligible for course credit under the Learn and Earn Online Program, courses must be the same as those delivered to other adult college students.
- (5) Costs.
- (A) A student enrolled in Learn and Earn Online shall be exempt from tuition and calculated as budget FTE regardless of the term during which the instruction is provided.
  - (B) North Carolina Community Colleges may seek reimbursement from the Department of Public Instruction for technology, course fees, and

textbooks required for course participation as set out in S.L. 2009-451, s. 8.6(a).

- (C) A student participating in the Learn and Earn Online program is exempt from any additional college fees.
- (6) Coding. Enrollment in a Learn and Earn Online course shall be coded as T90920.
- (7) Program Completion. If students meet the curriculum program requirements effective at the time of enrollment, they are awarded a certificate, diploma or degree. Students shall meet the curriculum program requirements that are applicable to the college from which they are seeking to obtain a certificate, diploma, or degree.
- (8) Transfer of Learn and Earn Online courses. Learn and Earn Online courses listed in the North Carolina Comprehensive Articulation Agreement or listed in the North Carolina Independent Comprehensive Articulation Agreement shall be treated the same as all other courses listed in either Agreement.
- (9) Transfer degree. Learn and Earn Online students who obtain a degree listed in the North Carolina Comprehensive Articulation Agreement or listed in the North Carolina Independent Comprehensive Articulation Agreement shall be treated the same as all other students who have obtained a degree listed in either Agreement.
- (10) Persons with Disabilities. Learn and Earn Online students must abide by the college's disability eligibility standards, as set forth by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, Chapter 1, Part 104, Subchapter E (34 C.F.R. 104.41 through 104.47).

(g) Intellectually Gifted and Mature Students. Students less than 16 years old who are mature enough to function well in an adult education setting and are intellectually gifted as evidenced by a score in the range from the 92nd percentile to the 99th percentile on an aptitude and an achievement test selected from a list of tests approved by the System Office may be admitted to community colleges. Tests included on the System Office approved list shall be selected from the Mental Measurements Year Book published by the Buros Institute of Mental Measurements. The student shall be ranked by an official of the student's school in the top 10 percent on the following behavioral characteristics: mature, observant, inquisitive, persistent, innovative, analytical, adaptable, leadership, desire to achieve, self-confidence and communications skills.

Students less than 16 years old shall not displace adults but may be admitted any term on a space-available basis to any curriculum course one hundred level and above. Students admitted to community colleges under this Paragraph shall pay the same tuition and fees as other curriculum students.

(h) Except as authorized by G.S. 115D-20(4), colleges shall not start classes, offer summer school courses, or offer regular high school courses for high school students.

(i) A college may make available to persons of any age non-credit, non-remedial, enrichment courses during the summer reporting period. These courses shall be self-supporting and shall not earn credit toward a diploma, certificate, or degree at the college or high school.

(j) At the request of the director of a youth development center having custody of juveniles committed to the Department of Juvenile Justice and Delinquency Prevention, a college may make available to these juveniles any course offered by that college if they meet the course admission requirements. The director's request shall include the director's approval for each juvenile to enroll in the course.

*History Note: Authority G.S. 115D-1; 115D-5; 115D-20; S.L. 1995, c. 625; S.L. 2009-451, s. 7.10(j);  
Eff. January 1, 1987;  
Amended Eff. September 1, 1993;  
Temporary Amendment Eff. June 1, 1997;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. August 22, 2001;  
Amended Eff. April 1, 2010, April 1, 2003.*

## **1D SBCCC 200.96 ASSESSMENT PROCEDURES**

Reserved for Future Codification

## **1D SBCCC 200.97 PROGRAM MONITORING**

Reserved for Future Codification

## **1D SBCCC 200.98 BASIC SKILLS PLUS**



**1D SBCCC 200.99 DRIVERS' ELIGIBILITY CERTIFICATE**

(a) Local Boards of Trustees shall be responsible for the issuance of driving eligibility certificates, the timely reporting of dropouts and students unable to make progress toward graduation, and the provision of grievance procedures associated with the issuance of driving eligibility certificates. Local Boards of Trustees shall provide a program which meets the following requirements:

(1) The president or the president's designee shall issue a driving eligibility certificate if it is determined that:

(A) The student seeking the certificate is currently enrolled in a basic skills program and is making progress toward obtaining a high school diploma or its equivalent. Making progress toward obtaining a high school diploma for a person enrolled in a community college basic skills program is defined as:

(i) Attending a basic skills class a minimum of sixty hours per month for a period of six consecutive months; and

(I) Demonstrating progress in GED at the end of each six month period by passing a minimum of two GED tests with a score of 40 or higher.

(II) Demonstrating progress in Adult High School at the end of each six month period by passing a minimum of two Adult High School units.

(III) Demonstrating progress in Adult Basic Education or English as a Second Language at the end of each six month period by one of the following: increase scores on each subsequent standardized test or make progress as documented by teacher assessment.

(ii) If a student does not meet the criteria for making progress and attendance during any month, the president or the president's designee shall notify the Division of Motor Vehicles the following

month that the student no longer meets the requirements for the driving eligibility certificate.

- (B) A substantial hardship would be placed on the person seeking the certificate or the person's family if the person does not receive the certificate. Examples of a substantial hardship include:
    - (i) A parent's inability to drive due to sickness or other impairment and the student is the only person of driving age in the household.
    - (ii) The student requires transportation to and from a job that is necessary to the welfare of his family and is unable by any other means to do so.
  - (C) The person seeking the certificate cannot make progress toward obtaining a high school diploma or its equivalent. The president or the president's designee shall determine, along with input from other basic skills staff, if a student is unable to make progress toward obtaining a high school diploma or its equivalent.
- (2) The President or his designee shall not issue a driving eligibility certificate if it is determined that either after the first day of July before the school year which the student enrolled in the eighth grade or after the student's fourteenth birthday, whichever event occurred first, the student was subjected to disciplinary action as defined in this Subparagraph for any of the enumerated conduct as defined in this Subparagraph. Disciplinary action is defined as:
- (A) An expulsion;
  - (B) Suspension for more than ten consecutive days; or
  - (C) An assignment to an alternative educational setting for more than ten consecutive days, which resulted from any of the enumerated conduct. Enumerated conduct is defined as:
    - (i) The possession or sale of an alcoholic beverage or an illegal controlled substance on school property.
    - (ii) The possession or use on school property of a weapon or firearm that resulted in disciplinary action under G.S. 115C-391(d1), or

that could have resulted in that disciplinary action if the conduct had occurred in a public school.

- (iii) The physical assault on a teacher or other school personnel on school property
- (3) A student who was ineligible for a certificate under Subparagraph (a)(2) of this Rule, is eligible for a certificate when the president or president's designee determines that the student has exhausted all administrative appeals connected to the disciplinary action and that one of the following conditions is met:
- (A) The conduct which resulted in the disciplinary action occurred before the student reached the age of 15, and the student is now at least 16 years old.
  - (B) The conduct which resulted in the disciplinary action occurred before the student reached the age of 15, and at least one year has passed since the student exhausted all administrative appeals connected to the disciplinary action.
  - (C) The student needs the certificate in order to drive to and from school, a drug or alcohol treatment counseling program, or a mental health treatment program, and no other transportation is available.
- (4) A student who was ineligible for a certificate under Subparagraph (a)(2) of this Rule may otherwise be eligible for a certificate if, after six months from the date of the ineligibility, the president or the president's designee determines that:
- (A) The student has displayed exemplary behavior; or
  - (B) The ineligibility was based on a disciplinary action for the possession or sale of an alcoholic beverage or a controlled substance on school property and the president or the president's designee determines that the student has attended and successfully completed a drug or alcohol treatment program.
    - (i) Exemplary behavior is defined as the student having no further incidents of misconduct where expulsion, suspension, or an assignment to an alternative educational setting is required.
    - (ii) Attending and successfully completing a drug or alcohol treatment program is defined as a minimum of 12 hours of drug or alcohol

treatment counseling or a mental health treatment program. In addition, the treatment counseling program shall have a strong parental involvement focus.

(b) Any person denied a driving eligibility certificate may appeal that decision through the college's student grievance procedure.

(c) The president or the president's designee shall notify the Division of Motor Vehicles when a student is no longer exhibiting exemplary behavior or attending and successfully completing a drug or alcohol treatment program as determined above, or when a student officially drops out of school. The president's designee shall be the Basic Skills Director.

(1) The State Board shall provide to the Basic Skills Director a form for students to provide their written irrevocable consent for a community college to disclose to the Division of Motor Vehicles that the student no longer meets the conditions for a driving eligibility certificate under subparagraphs (a)(1) through (a)(4) of this Rule.

(2) This form shall only identify the student, and under which Subsection of this Rule the student is no longer eligible. No other details or information concerning the student's school record shall be released pursuant to this request.

*History Note: Authority G.S. 115D-5(a3);*

*Eff. August 1, 2001.*

## **300. CONTINUING EDUCATION**

### **1D SBCCC 300.1 CONTINUING EDUCATION DEFINITIONS**

Reserved for Future Codification

### **1D SBCCC 300.2 ENROLLMENT/REGISTRATION PROCESS**

Reserved for Future Codification

### **1D SBCCC 300.3 PROGRAM CLASSIFICATION**

The following criteria are used for classifying the programs offered in the North Carolina Community College System.

(1) Curriculum Programs:

(a) A curriculum program is an organized sequence of courses leading to an associate degree, a diploma, or a certificate. All curriculum programs are designed to provide education, training, or retraining for the work force.

(i) Associate degree programs are planned programs of study culminating in an associate in applied science, associate in arts, associate in fine arts, associate in science, or associate in general education degree.

(A) The associate in applied science degree programs are designed to prepare individuals for employment. These programs involve the application of scientific principles in research, design, development, production, distribution, or service.

(B) The associate in arts, associate in science, and associate in fine arts degree programs are designed to prepare students for transfer at the junior level to institutions offering baccalaureate degrees.

(C) The associate in general education degree programs are designed for students who desire a general liberal arts education.

(ii) The diploma programs are designed to provide entry-level employment training. A diploma program may be a stand-alone curriculum program title, or a college may award a diploma under the college's associate in applied science degree curriculum program for a series of courses taken from the program of study and structured so that a student may complete additional non-duplicative coursework to receive an associate in applied science degree.

- (iii) The certificate programs are designed to lead to employment or to provide skills upgrading or retraining for individuals already in the workforce. A certificate program may be a stand-alone curriculum program title, or a college may award a certificate under the college's associate degree or diploma curriculum program for a series of courses taken from the program of study.
  - (b) Developmental Education programs consist of courses and support services which include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses do not earn credit toward a degree, diploma, or certificate.
- (2) Continuing Education Programs:
  - (a) Occupational Extension courses consist of single courses, each complete in itself, designed for the specific purposes of training an individual for full- or part-time employment, upgrading the skills of persons presently employed, and retraining others for new employment in occupational fields.
  - (b) Community Service:
    - (i) Community Service courses consist of single courses, each complete in itself, that focus on an individual's personal or leisure needs rather than occupational or professional employment.
    - (ii) The cultural and civic, and visiting artist component of this program meets community needs through lecture and concert series, art shows, the use of college facilities by community groups, providing speakers to community organizations, and providing visiting artist activities for college communities. Visiting artists may be provided an opportunity to work as artists in residence to enhance local arts resources and promote the

various visual, performing and literary arts in communities throughout North Carolina.

(c) Self-Supporting Programs:

- (i) A self-supporting course is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled.
- (ii) Recreational programs are self-supporting courses which the college may provide at the request of the community but for which the college receives no budgetary credit. Funds appropriated as operating expenses for allocation to the colleges shall not be used to support recreation courses. The financing of these courses by a college shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students for use in budget-funding formulas at the state level.

(d) Basic Skills Programs. The State Board and the community college system shall encourage persons to complete high school rather than seek testing for the High School Diploma Equivalency.

- (i) High School Equivalency programs consist of classroom instruction, learning laboratory courses, or a combination of activities designed to qualify a student for an adult high school diploma. An Agreement of Affiliation with a local public school system is required for minors sixteen or seventeen years old. No agreement is required for adults eighteen years old and older.
- (ii) General Educational Development (GED) testing programs consist of classroom instruction, or learning laboratory courses, or a combination of both designed to qualify a student to demonstrate competency on the General Educational Development (GED) tests and to receive a High School Diploma equivalency from the State Board. The State Board is responsible for the administration of the General Educational Development testing program in cooperation with the Office on Educational Credit of the American Council on

Education. The procedures regulating the GED Testing Program set forth in the GED Examiner's Manual published by the General Educational Development Testing Service of the American Council on Education are hereby incorporated by reference. A copy of this manual is available for inspection in the Office of the System President, Community College System Office, 200 W. Jones Street, Raleigh NC 27603-1379. A copy of this manual may be obtained at a cost of fifteen dollars (\$15.00) from the GED Testing Service of the American Council on Education, One Dupont Circle NW, Suite 250, Washington, DC 20036-1163.

- (iii) The Adult Basic Education (ABE) program is designed for adults who are functioning at or below the eighth grade educational level. The major objectives of the program are to enable adults to acquire the basic educational skills necessary to be fully competent in our society, to improve their ability to benefit from occupational training and to have greater opportunities for more productive and profitable employment, and to meet their own objectives for enrolling in the program. Classes are offered and focus on fundamental skills such as reading, writing, speaking, computing, critical thinking, and problem solving.
- (iv) The English as a Second Language (ESL) program offers classes which accommodate the varied needs of the immigrant and refugee populations. Attention is given to both the cultural and linguistic needs as instruction is focused upon the formation of accurate, appropriate communication skills and upon the student's ability to function in the adult American community. Classes are offered at the beginning through the advanced levels of ESL. The curriculum is designed to develop the basic language skills of reading, writing, speaking, and listening. Instruction integrates the English language with topics that prepare students for everyday life, employment, and citizenship.



- (v) The Compensatory Education (CED) program is designed for adults with mental retardation. The program is highly individualized and fosters a maximum level of independent living commensurate with personal ability. Instruction is offered in math, language, social science, health, community living, consumer education and vocational education.
- (e) Customized Training Program.
  - (i) The Customized Training Program addresses company-specific training customized for job growth, technology investment, or productivity enhancement. Based on needs specified in G.S. 115D-5.1, Customized Training Programs shall address job-specific training.
  - (ii) The Small Business Center program provides training, counseling and referral services especially designed in content and delivery modes for small businesses, both existing and prospective.
- (f) The Human Resources Development (HRD) program provides skill assessment services, employability skills training, and career development counseling to unemployed and underemployed adults. These courses shall address six core components as follows:
  - (i) assessment of an individual's assets and limitations;
  - (ii) development of a positive self-concept;
  - (iii) development of employability skills;
  - (iv) development of communication skills;
  - (v) development of problem-solving skills; and
  - (vi) awareness of the impact of information technology in the workplace.
- (g) The Learning Laboratory programs consist of self-instruction using programmed texts, audio visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective

and subjective evaluation and of counseling, supervising, and encouraging persons working in the lab.

*History Note: Authority G.S. 115D-1; 115D-2; 115D-5; S.L. 1995, c. 625; S.L. 2001, c. 424, s. 30.3(b), (e);  
Eff. February 1, 1976;  
Readopted Eff. January 24, 1978;  
Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981;  
Temporary Amendment Eff. June 1, 1997;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. October 4, 2001;  
Amended Eff. June 1, 2009; April 1, 2003.*

## **1D SBCCC 300.94 FACULTY**

### **(a) General**

- (1) Colleges shall employ faculty members so as to meet Southern Association of Colleges and Schools' criteria.
- (2) Colleges shall determine appropriate teaching and non-teaching loads for faculty and for technical assistants to the faculty so as to meet Southern Association of Colleges and Schools' criteria.
- (3) The Principles of Accreditation: Foundations for Quality Enhancement Commission on Colleges, Southern Association of Colleges and Schools, current edition is hereby adopted by reference, including any subsequent amendments and editions of this book, to apply to community colleges. Copies for The Principles of Accreditation: Foundations for Quality Enhancement may be inspected in or obtained at no cost from the Office of the System President, Department of Community Colleges, 200 W. Jones Street, Raleigh, NC 27603-1379.

(b) Instructors for Extension Emergency Services Training. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

*History Note: Authority G.S. 115D-5.*

*Eff. February 1, 1976;*

*Amended Eff. March 1, 2007; July 1, 1998; September 1, 1993; August 17, 1981;*

*September 30, 1977.*

## **1D SBCCC 300.95 HUMAN RESOURCES DEVELOPMENT PROGRAM CONTINUATION**

Each college shall operate a Human Resources Development (HRD) program to provide assessment services, employability training, and career development counseling to unemployed and underemployed individuals. FTE shall be generated from HRD programs. Each college shall provide HRD instruction and support necessary for unemployed and dislocated workers to be served within the college service areas.

*History Note: Authority G.S. 115D 5;*

*Eff. November 1, 2005.*

## **1D SBCCC 300.96 CONTINUING EDUCATION PROGRAM MANAGEMENT**

(a) Continuing education programs shall provide lifelong learning experiences offering planned instructional responses to identified needs of targeted audiences. Instructional objectives shall specify the skills, knowledge and attitudes the learner should be able to apply upon satisfactorily completing the continuing education experience. Adequate educational facilities, instructional aids, and other instructional materials shall be provided to support continuing education courses.

(b) Facilities where classes are held must provide appropriate environments which are conducive to learning. Continuing education classes offered in special settings (such as private homes or private home-based businesses) other than generally accepted learning environments shall be approved by the college president or designee prior to the class being offered. Documentation of such approval shall be maintained at the college until released from all audits (REF: Public Records Retention & Disposition Schedule for institutions in the community college system).

(c) Each college's local board of trustees must adopt a policy which requires the development and implementation of an internal audit plan. Each college is required to publish, maintain and

utilize an internal audit plan. The college presidents shall periodically report to the board of trustees on the findings of the internal audit. The internal plan must be submitted to the Department for compliance review.

*History Note: Authority G.S. 115D-1; 115D-5;*

*Eff. September 1, 1988;*

*Amended Eff. September 1, 1993.*

### **1D SBCCC 300.97 Instructional Service Agreements**

#### **(a) Level One Instructional Service Agreement.**

(1) A college may offer continuing education courses in an area assigned to another college by providing a written, level one instructional service agreement under the following conditions:

(A) Resources are solely provided by the college requesting permission to enter into another college's service area; and

(B) The requesting college does not share the FTE with the other college(s).

For the purposes of this rule, "an area assigned to another college" shall include an online class that is set up to specifically target students in another college's service area.

(2) The level one instructional service agreement shall:

(A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level one instructional service agreements:

(B) Be signed by the presidents of each participating college;

(C) Specify the course(s) or program(s) to be delivered into the other college's service area;

(D) Specify the plan for delivery of the instruction;

(E) Specify the conditions and time frame for termination of the agreement; and

(F) Be maintained on file at all colleges involved for audit purposes.

#### **(b) Level Two Instructional Service Agreement.**

(1) Two or more colleges may jointly offer continuing education courses by providing a written, level two instructional service agreement under the following conditions:

(A) Resources are shared between the participating colleges;

- (B) FTE may be shared between the participating colleges; and
  - (C) One or more of the participating colleges is approved to offer a continuing education course approved by the State Board of Community Colleges.
- (2) The level two instructional service agreement shall:
- (A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level two instructional service agreements;
  - (B) Be signed by the president of each participating college;
  - (C) Specify the course(s) to be delivered to the other college's service area;
  - (D) Specify the plan for delivery of the instruction;
  - (E) Specify the proration of resources and FTE allocated for each college;
  - (F) Specify the conditions and time frame for termination of the agreement;
  - (G) Be filed with the System Office President prior to implementation of the course(s);  
and
  - (H) Be maintained on file at all colleges involved for audit purposes.

*History Note: Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L. 1995, c. 625;*  
*Temporary Adoption Eff. October 31, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*  
*Eff. May 1, 1995;*  
*Temporary Amendment Eff. June 1, 1997;*  
*Amended Eff. [November 1, 2014](#); August 1, 2004; July 1, 1998.*

## **1D SBCCC 300.98 COURSES AND STANDARDS**

Reserved for Future Codification

## **1D SBCCC 300.99 EDUCATION SERVICES FOR MINORS**

(a) The major purpose of community colleges is to serve students who have graduated from high school or are beyond the compulsory age limit of the public school and have left public school. However, a minor may seek admission to a community college subject to the conditions in this Section.

(b) Drop-out. A minor, 16 years old or older, who is not currently enrolled in a public or private educational agency may be admitted to a Basic Skills or Continuing Education program at a college if a North Carolina local public or private educational agency, where the minor now resides, determines that admission to a Basic Skills or Continuing Education program is the best educational option for the student and the admission of the student to a Basic Skills or Continuing Education program is approved by the college under one of the following conditions:

- (1) If the minor, 16 years old or older, has officially withdrawn from a public or private educational agency within the last six months, a college may admit the minor to a Basic Skills or Continuing Education program if the minor obtains a signed official withdrawal form from the local public or private educational agency and a notarized petition of the minor's parent, legal guardian, or other person or agency having legal custody and control. The petition shall certify the minor's residence, date of birth, date of leaving school, name of last school attended, and the petitioner's legal relationship to the minor.
- (2) If the minor, 16 years old or older, has officially withdrawn from a public or private educational agency for at least six months, a college may admit the minor to a Basic Skills or Continuing Education program without the release form from the public or private educational agency. However, the minor must obtain a notarized petition of the minor's parent, legal guardian, or other person or agency having legal custody and control. The petition shall certify the minor's residence, date of birth, date of leaving school, name of last school attended, and the petitioner's legal relationship to the minor.
- (3) If the minor is an emancipated minor, the requirement for the release form from the public or private educational agency and the requirement for the notarized petition are waived. The minor must provide legal documentation of emancipation. Admission requirements for an emancipated minor shall be the same as for an applicant 18 years old or older.

(c) Concurrent Enrollment. Concurrent enrollment allows a high school student to be enrolled in high school and in a local institution of higher education at the same time. A high school student, 16 years old or older, based upon policies approved by the local public or private board of education and board of trustees, may be admitted to any curriculum course one hundred level

and above or any continuing education course, except adult basic skills, concurrently under the following conditions:

- (1) Upon recommendation of the chief administrative school officer and approval of the president of the college;
- (2) Upon approval of the student's program by the chief administrative school officer and the president of the college; and
- (3) Upon certification by the chief administrative school officer that the student is taking the equivalent of one-half of a full-time schedule and is making progress toward graduation.

(d) High school students, taking courses pursuant to Paragraph (c) of this Rule, shall not displace adults but may be admitted during any term on a space-available basis to any curriculum course one hundred level and above or any continuing education course, except adult basic skills. Once admitted, they shall be treated the same as all other students.

(e) Huskins. Huskins programs enrich high school students by providing college level academic, technical, and advanced vocational courses to high school students that would not otherwise be available to them. Local boards of trustees and local school boards may establish cooperative programs in areas they serve in order to provide college courses to high school students. College credits shall be awarded to those high school students upon successful completion of the courses. Cooperative programs shall be approved, prior to implementation, by the State Board or its designee.

(f) Learn and Earn Online Program:

- (1) Definition of Credits. For the purposes of this section, credits mean curriculum courses 100 level or above. For the purposes of this section, credits do not include continuing education courses, cooperative education courses (COE), selected topics (SEL), or seminar topics (SEM).
- (2) Definition of Disabilities. For the purposes of this Section, disabilities shall mean "persons with disabilities" as defined in G.S. 168A-3(7a).
- (3) Student Eligibility. A student shall be permitted to enroll in any online courses through North Carolina community colleges for college credit, regardless of the college service areas in which the student resides under the following conditions:

- (A) The student must be enrolled in a North Carolina school or have completed all high school graduation requirements in a North Carolina school throughout the duration of the online course;
  - (B) The student must be enrolled in the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> grades;
  - (C) The student's enrollment in an online course for college credit is subject to space availability;
  - (D) The student must meet the prerequisites, co-requisites and course admission requirements as published in the college's catalog at the time the student seeks to enroll in the online course;
  - (E) A student enrolled in grades 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> is participating in the Learn and Earn Online program by virtue of enrolling in a Learn and Earn Online course; and
  - (F) High school students attending a nonpublic school may enroll in any Learn and Earn Online course with space available that has been offered to but not filled by any eligible public school student.
- (4) Course Eligibility.
- (A) Only online courses in the NCCCS Combined Course Library numbered 100 and above are eligible for Learn and Earn Online credits, excluding cooperative education courses (COE), selected topics (SEL), and seminar topics (SEM).
  - (B) Only online courses that generate budget FTE are eligible for Learn and Earn Online credits.
  - (C) To be eligible for course credit under the Learn and Earn Online Program, courses must be the same as those delivered to other adult college students.
- (5) Costs.
- (A) A student enrolled in Learn and Earn Online shall be exempt from tuition and calculated as budget FTE regardless of the term during which the instruction is provided.
  - (B) North Carolina Community Colleges may seek reimbursement from the Department of Public Instruction for technology, course fees, and



textbooks required for course participation as set out in S.L. 2009-451, s. 8.6(a).

- (C) A student participating in the Learn and Earn Online program is exempt from any additional college fees.
- (6) Coding. Enrollment in a Learn and Earn Online course shall be coded as T90920.
- (7) Program Completion. If students meet the curriculum program requirements effective at the time of enrollment, they are awarded a certificate, diploma or degree. Students shall meet the curriculum program requirements that are applicable to the college from which they are seeking to obtain a certificate, diploma, or degree.
- (8) Transfer of Learn and Earn Online courses. Learn and Earn Online courses listed in the North Carolina Comprehensive Articulation Agreement or listed in the North Carolina Independent Comprehensive Articulation Agreement shall be treated the same as all other courses listed in either Agreement.
- (9) Transfer degree. Learn and Earn Online students who obtain a degree listed in the North Carolina Comprehensive Articulation Agreement or listed in the North Carolina Independent Comprehensive Articulation Agreement shall be treated the same as all other students who have obtained a degree listed in either Agreement.
- (10) Persons with Disabilities. Learn and Earn Online students must abide by the college's disability eligibility standards, as set forth by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, Chapter 1, Part 104, Subchapter E (34 C.F.R. 104.41 through 104.47).

(g) Intellectually Gifted and Mature Students. Students less than 16 years old who are mature enough to function well in an adult education setting and are intellectually gifted as evidenced by a score in the range from the 92nd percentile to the 99th percentile on an aptitude and an achievement test selected from a list of tests approved by the System Office may be admitted to community colleges. Tests included on the System Office approved list shall be selected from the Mental Measurements Year Book published by the Buros Institute of Mental Measurements. The student shall be ranked by an official of the student's school in the top 10 percent on the following behavioral characteristics: mature, observant, inquisitive, persistent, innovative, analytical, adaptable, leadership, desire to achieve, self-confidence and communications skills.

Students less than 16 years old shall not displace adults but may be admitted any term on a space-available basis to any curriculum course one hundred level and above. Students admitted to community colleges under this Paragraph shall pay the same tuition and fees as other curriculum students.

(h) Except as authorized by G.S. 115D-20(4), colleges shall not start classes, offer summer school courses, or offer regular high school courses for high school students.

(i) A college may make available to persons of any age non-credit, non-remedial, enrichment courses during the summer reporting period. These courses shall be self-supporting and shall not earn credit toward a diploma, certificate, or degree at the college or high school.

(j) At the request of the director of a youth development center having custody of juveniles committed to the Department of Juvenile Justice and Delinquency Prevention, a college may make available to these juveniles any course offered by that college if they meet the course admission requirements. The director's request shall include the director's approval for each juvenile to enroll in the course.

*History Note: Authority G.S. 115D-1; 115D-5; 115D-20; S.L. 1995, c. 625; S.L. 2009-451, s. 7.10(j);*

*Eff. January 1, 1987;*

*Amended Eff. September 1, 1993;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. July 1, 1998;*

*Temporary Amendment Eff. August 22, 2001;*

*Amended Eff. April 1, 2010, April 1, 2003.*

## **400. CURRICULUM**

### **1D SBCCC 400.1 CURRICULUM DEFINITIONS**

Reserved for Future Codification

### **1D SBCCC 400.2 Admission to Colleges**

(a) Each college shall maintain an open-door admission policy to all applicants who are legal residents of the United States and who are either high school graduates or are at least 18

years of age. Community colleges shall not solicit or use information regarding the accreditation of a secondary school located in North Carolina that a person attended as a factor affecting admission to the college or to any program of study, loans, scholarships, or other educational activity at the community college, unless the accreditation was conducted by a State agency. For purposes of this Section, the term "accreditation" shall include certification or any other similar approval process. Student admission processing and placement determination shall be performed by the officials of each college. Admission requirements for an emancipated minor shall be the same as for an applicant 18 years old or older. Provisions with respect to admission of minors are set forth in 1D SBCCC 200.95 and 1D SBCCC 300.99.

- (b) For the purposes of this Section, "undocumented immigrant" means any immigrant who is not lawfully present in the United States. Community colleges shall admit undocumented immigrants under the following conditions:
- (1) Community colleges shall admit an undocumented immigrant only if he or she attended and graduated from a United States public high school, private high school, or home school that operates in compliance with State or local law;
  - (2) When determining who is an undocumented immigrant, community colleges shall use federal immigration classifications;
  - (3) Undocumented immigrants admitted under Subparagraph (b)(1) of this Rule must comply with all federal and state laws concerning financial aid;
  - (4) An undocumented immigrant admitted under Subparagraph (b)(1) of this Rule shall not be considered a North Carolina resident for tuition purposes. All undocumented immigrants admitted under Subparagraph (b)(1) of this Rule must be charged out of state tuition whether or not they reside in North Carolina;
  - (5) When considering whether to admit an undocumented immigrant into a specific program of study, community colleges shall take into account that federal law prohibits states from granting professional licenses to undocumented immigrants; and
  - (6) Students lawfully present in the United States shall have priority over any undocumented immigrant in any class or program of study when capacity limitations exist.
- (c) Boards of trustees may adopt policies regulating admission and graduation of students enrolled in courses mandated under G.S. 17C, North Carolina Criminal Justice Education and

Training Standards Commission, or G.S. 17E, North Carolina Sheriffs' Education and Training Standards Commission. These policies may limit enrollment to law enforcement officers or persons sponsored by law enforcement agencies and may require a student to maintain sponsorship by a law enforcement agency until completion of the program. Policies adopted pursuant to this Paragraph shall be published and made available to students and prospective students.

- (d) Any college suspending or expelling a student for non-academic disciplinary purposes shall record the suspension or expulsion in the student's educational record. Upon receipt of a written request signed by the student and subject to all applicable privacy laws, each college shall, in accordance with the student's request, inform other colleges and universities of the term and circumstances of the student's non-academic disciplinary suspension or expulsion, if any. Boards of trustees may adopt policies refusing admission to any applicant during any period of time that the student is suspended or expelled from any other educational entity.
- (e) Boards of trustees may adopt policies refusing admission to any applicant if it is necessary to protect the safety of the applicant or other individuals. When making a safety determination, colleges may refuse admission to an applicant when there is an articulable, imminent, and significant threat to the applicant or other individuals. Colleges refusing admission on the basis of a safety threat shall document the following:
  - (1) Detailed facts supporting the rationale for denying admission;
  - (2) The time period within which the refusal to admit shall be applicable and the supporting rationale for the designated time period; and
  - (3) The conditions upon which the applicant that is refused would be eligible to be admitted.
- (f) Boards of trustees shall implement an appeals process for applicants denied admission pursuant to Subsection (e) of this Section.
- (g) Boards of trustees may adopt policies refusing admission to any applicant who is not a resident of North Carolina who seeks enrollment in any distance education course only if that applicant resides in a State where the college is not authorized to provide distance education in that State.

*History Note: Authority G.S. 115D-1; 115D-5; 115D-20;*

*Eff. February 1, 1976;*

*Amended Eff. [November 1, 2014](#); July 10, 2010; January 1, 2006; January 1, 1996; September 1, 1993; January 1, 1987; May 1, 1982.*

### **1D SBCCC 400.3 PROGRAM CLASSIFICATION**

The following criteria are used for classifying the programs offered in the North Carolina Community College System.

(1) Curriculum Programs:

(a) A curriculum program is an organized sequence of courses leading to an associate degree, a diploma, or a certificate. All curriculum programs are designed to provide education, training, or retraining for the work force.

(i) Associate degree programs are planned programs of study culminating in an associate in applied science, associate in arts, associate in fine arts, associate in science, or associate in general education degree.

(A) The associate in applied science degree programs are designed to prepare individuals for employment. These programs involve the application of scientific principles in research, design, development, production, distribution, or service.

(B) The associate in arts, associate in science, and associate in fine arts degree programs are designed to prepare students for transfer at the junior level to institutions offering baccalaureate degrees.

(C) The associate in general education degree programs are designed for students who desire a general liberal arts education.

(ii) The diploma programs are designed to provide entry-level employment training. A diploma program may be a stand-alone curriculum program title, or a college may award a diploma under the college's associate in applied science degree curriculum program for a series of courses taken from the program of study

and structured so that a student may complete additional non-duplicative coursework to receive an associate in applied science degree.

(iii) The certificate programs are designed to lead to employment or to provide skills upgrading or retraining for individuals already in the workforce. A certificate program may be a stand-alone curriculum program title, or a college may award a certificate under the college's associate degree or diploma curriculum program for a series of courses taken from the program of study.

(b) Developmental Education programs consist of courses and support services which include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses do not earn credit toward a degree, diploma, or certificate.

(2) Continuing Education Programs:

(a) Occupational Extension courses consist of single courses, each complete in itself, designed for the specific purposes of training an individual for full- or part-time employment, upgrading the skills of persons presently employed, and retraining others for new employment in occupational fields.

(b) Community Service:

(i) Community Service courses consist of single courses, each complete in itself, that focus on an individual's personal or leisure needs rather than occupational or professional employment.

(ii) The cultural and civic, and visiting artist component of this program meets community needs through lecture and concert series, art shows, the use of college facilities by community groups, providing speakers to community organizations, and providing visiting artist activities for college communities.

Visiting artists may be provided an opportunity to work as artists in residence to enhance local arts resources and promote the various visual, performing and literary arts in communities throughout North Carolina.

(c) Self-Supporting Programs:

- (i) A self-supporting course is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled.
- (ii) Recreational programs are self-supporting courses which the college may provide at the request of the community but for which the college receives no budgetary credit. Funds appropriated as operating expenses for allocation to the colleges shall not be used to support recreation courses. The financing of these courses by a college shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students for use in budget-funding formulas at the state level.

(d) Basic Skills Programs. The State Board and the community college system shall encourage persons to complete high school rather than seek testing for the High School Diploma Equivalency.

- (i) High School Equivalency programs consist of classroom instruction, learning laboratory courses, or a combination of activities designed to qualify a student for an adult high school diploma. An Agreement of Affiliation with a local public school system is required for minors sixteen or seventeen years old. No agreement is required for adults eighteen years old and older.
- (ii) General Educational Development (GED) testing programs consist of classroom instruction, or learning laboratory courses, or a combination of both designed to qualify a student to demonstrate competency on the General Educational Development (GED) tests and to receive a High School Diploma equivalency from the State Board. The State Board is responsible for the administration of the

General Educational Development testing program in cooperation with the Office on Educational Credit of the American Council on Education. The procedures regulating the GED Testing Program set forth in the GED Examiner's Manual published by the General Educational Development Testing Service of the American Council on Education are hereby incorporated by reference. A copy of this manual is available for inspection in the Office of the System President, Community College System Office, 200 W. Jones Street, Raleigh NC 27603-1379. A copy of this manual may be obtained at a cost of fifteen dollars (\$15.00) from the GED Testing Service of the American Council on Education, One Dupont Circle NW, Suite 250, Washington, DC 20036-1163.

- (iii) The Adult Basic Education (ABE) program is designed for adults who are functioning at or below the eighth grade educational level. The major objectives of the program are to enable adults to acquire the basic educational skills necessary to be fully competent in our society, to improve their ability to benefit from occupational training and to have greater opportunities for more productive and profitable employment, and to meet their own objectives for enrolling in the program. Classes are offered and focus on fundamental skills such as reading, writing, speaking, computing, critical thinking, and problem solving.
- (iv) The English as a Second Language (ESL) program offers classes which accommodate the varied needs of the immigrant and refugee populations. Attention is given to both the cultural and linguistic needs as instruction is focused upon the formation of accurate, appropriate communication skills and upon the student's ability to function in the adult American community. Classes are offered at the beginning through the advanced levels of ESL. The curriculum is designed to develop the basic language skills of reading, writing, speaking, and listening. Instruction integrates the English



language with topics that prepare students for everyday life, employment, and citizenship.

(v) The Compensatory Education (CED) program is designed for adults with mental retardation. The program is highly individualized and fosters a maximum level of independent living commensurate with personal ability. Instruction is offered in math, language, social science, health, community living, consumer education and vocational education.

(e) Customized Training Program.

(i) The Customized Training Program addresses company-specific training customized for job growth, technology investment, or productivity enhancement. Based on needs specified in G.S. 115D-5.1, Customized Training Programs shall address job-specific training.

(ii) The Small Business Center program provides training, counseling and referral services especially designed in content and delivery modes for small businesses, both existing and prospective.

(f) The Human Resources Development (HRD) program provides skill assessment services, employability skills training, and career development counseling to unemployed and underemployed adults. These courses shall address six core components as follows:

(i) assessment of an individual's assets and limitations;

(ii) development of a positive self-concept;

(iii) development of employability skills;

(iv) development of communication skills;

(v) development of problem-solving skills; and

(vi) awareness of the impact of information technology in the workplace.

(g) The Learning Laboratory programs consist of self-instruction using programmed texts, audio visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing

the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the lab.

*History Note: Authority G.S. 115D-1; 115D-2; 115D-5; S.L. 1995, c. 625; S.L. 2001, c. 424, s. 30.3(b), (e);  
Eff. February 1, 1976;  
Readopted Eff. January 24, 1978;  
Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981;  
Temporary Amendment Eff. June 1, 1997;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. October 4, 2001;  
Amended Eff. June 1, 2009; April 1, 2003.*

## **1D SBCCC 400.93 FACULTY**

### **(a) General**

- (1) Colleges shall employ faculty members so as to meet Southern Association of Colleges and Schools' criteria.
- (2) Colleges shall determine appropriate teaching and non-teaching loads for faculty and for technical assistants to the faculty so as to meet Southern Association of Colleges and Schools' criteria.
- (3) The Principles of Accreditation: Foundations for Quality Enhancement Commission on Colleges, Southern Association of Colleges and Schools, current edition is hereby adopted by reference, including any subsequent amendments and editions of this book, to apply to community colleges. Copies for The Principles of Accreditation: Foundations for Quality Enhancement may be inspected in or obtained at no cost from the Office of the System President, Department of Community Colleges, 200 W. Jones Street, Raleigh, NC 27603-1379.

(b) Instructors for Extension Emergency Services Training. All instructors in the area of Emergency Services Training must be qualified as established by the respective emergency

services certifying agency. Emergency services training means training delivered to personnel in law enforcement, fire and rescue services, and emergency medical services agencies.

*History Note: Authority G.S. 115D-5.*

*Eff. February 1, 1976;*

*Amended Eff. March 1, 2007; July 1, 1998; September 1, 1993; August 17, 1981;*

*September 30, 1977.*

#### **1D SBCCC 400.94 CURRICULUM INSTRUCTIONAL CONTRACT PROVISIONS**

(a) Each college is to assess its own need to provide instructional services by contracting with other public or private organizations or institutions. Any curriculum instructional program or course intended to be offered by contract must be submitted to the System President for approval. This policy does not apply to contracts between a college and its individual instructors.

(b) Any curriculum contract entered into by the local board of trustees of a college must meet the following general criteria:

- (1) A contract document in proper legal form is necessary in all cases and shall be drawn up by the college consistent with the requirements of the local board of trustees, the public or private organizations or institutions being contracted with and the State Board's criteria.
- (2) The contract shall be limited to and not exceed the fiscal year in which it begins.
- (3) The provisions for payment under contract shall not exceed usual and customary costs associated with the contracted instruction.
- (4) The contract shall provide that the college personnel shall have the right to supervise the educational program offered by the public or private organizations or institutions to the extent necessary to ensure the quality of the instructional program.
- (5) The contract shall provide that the college, the Department and the State Auditor shall have access to the records of the contractor to the extent necessary to ascertain the accuracy of such records and shall authorize the Department to

obtain such fiscal accounting reports as are necessary in carrying out the terms of the contract.

- (6) Curriculum courses taught under contract shall be limited to programs the college has been authorized to offer.
  - (7) The contract shall stipulate that students taught under the terms of the contract shall pay the same fees charged other students in similar programs in the college, which fees shall be deposited in like manner as other fees. No tuition or fee charges shall be collected by the public or private organizations or institutions from students taught under such contracts unless specified by the contract.
  - (8) The contract must be signed by the chairman of the board of trustees, president of the college and a representative of the public or private organizations or institutions.
  - (9) Approval Procedure. When approved by the local board of trustees and the public or private organizations or institutions, the contract document shall be submitted to the System President who is authorized to approve the college's budget for the contracted instructional services if the requirements in Paragraphs (b), (c), (d), and (e) of this Rule have been met.
- (c) The following provisions shall apply specifically to curriculum contracts with a proprietary or private non-profit institution or public agency.
- (1) The proprietary or private non-profit institution with which the contract is made must be licensed as required by the General Statutes of North Carolina and must have maintained the licensure for a minimum of two years to offer the instruction desired.
  - (2) If federal funds are to be used to pay for instruction provided under the conditions of the contract, the proprietary or private non-profit institution must meet the requirements of the private vocational training institution.
  - (3) The chief executive officer of the proprietary or private non-profit institution, or designated agent, must sign a certification statement that the program in question, facility, or contract for services to students will be open without regard to race, age, color, creed, sex, political affiliation, or disability.

- (4) Public or private colleges or universities must be licensed as required by the General Statutes of North Carolina to offer the instruction desired if entering into a contract to provide instructional services with the board of trustees of a college.
- (d) Instructional curriculum contracts with local school administrative units must meet the following conditions:
- (1) Shall not supplant existing funding for public school positions;
  - (2) Must provide through the Cooperative Agreement Program (Huskins Bill) college-level classes which could not be otherwise provided;
  - (3) Shall recoup the direct instructional cost contained in the contract and 15 percent for administrative cost incurred, if a college contracts with a local school unit under the Cooperative Agreement Program (Huskins Bill).
- (e) Unless otherwise specified, colleges shall earn reimbursement on the regular formula budget for student membership hours generated by instruction under contract except that cosmetology instruction offered under contract shall be funded for instructional units at the occupational extension formula rate and for instructional support and administration at the curriculum formula rate. Also, note 1G SBCCC 100.99 which addresses contracted instruction offered primarily in the non-credit, occupational extension area.

*History Note: Filed as a Temporary Amendment Eff. October 15, 1992 for a period of 180 days to expire on April 15, 1993;*  
*Authority G.S. 115D-1 through 115D-5; 115D-18; 115D-20(6); P.L. 88-352; P.L. 98-524;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 30, 1977;*  
*Readopted Eff. January 5, 1978;*  
*Amended Eff. September 1, 1993; January 1, 1989; August 17, 1981; July 1, 1980.*

(a) Curriculum Program Approvals. Community colleges shall issue degrees, diplomas, and certificates to individuals who satisfactorily complete course and program requirements.

- (1) The approval of a college or of a group of colleges in a collaborative arrangement to award the associate degree, diploma, or certificate shall be by individual curriculum program title. Approval by the State Board shall be granted when the college has demonstrated an established need and has provided evidence to the State Board of sufficient instructional faculty, facilities, equipment, and materials required to meet the needs of the communities served without supplanting or duplicating existing programs.
- (2) The application shall be signed by the college president and the chairman of the college's board of trustees.
- (3) The System President shall recommend action on the college's curriculum program application to the State Board.
- (4) Approval to grant degrees, diplomas, and certificates shall be withdrawn if the State Board determines that a college is not maintaining approved programs or graduation requirements.

(b) Curriculum Program Terminations. The college shall terminate a curriculum program when there has been no enrollment for two years; a college may request a one-year extension of a curriculum program upon justification of the potential for employment opportunities and student enrollment. Each college planning to terminate a curriculum program shall inform the System President by submitting a termination notice. The System President shall have the program removed from the college's program approval list. Program terminations shall be reported to the State Board two times a year.

(c) The System President shall approve Associate in General Education and Associate in Applied Science General Occupational Technology curriculum programs for colleges in the system.

(d) On special approval by the State Board, a degree program title or a stand-alone diploma or certificate program title may exceed the maximum length of programs as set by the curriculum standards. Such an exception shall apply to all colleges approved to offer the curriculum program title. A two-thirds majority of colleges approved to offer the program shall agree with

the conditions of the request for the exception. A request for an exception shall be justified based on one or more of the following criteria:

- (1) Additional time in the program is required by law.
- (2) Additional time in the program is required by an external regulatory, accrediting, or professional agency recognized by the State Board.
- (3) Additional time in the program is justified by documented extenuating circumstances such as the following:
  - (A) Documentation that equivalent programs in other states require additional hours of training to teach the competencies of the curriculum;
  - (B) Documentation that the program will not be viable without the exception;  
or
  - (C) Documentation that employers have certified the competencies required for the program and the length of time needed to teach those competencies.

*History Note: Authority G.S. 115D-5; 115D-20(6); S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Readopted January 5, 1978;*

*Amended Eff. September 1, 1993; January 1, 1988; August 17, 1981; July 1, 1979;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. August 1, 2004; July 1, 1998.*

### **1D SBCCC 400.96 Instructional Service Agreements**

(a) Level One Instructional Service Agreement.

- (1) A college may offer curriculum courses in an area assigned to another college by providing a written, level one instructional service agreement under the following conditions:
  - (A) Resources are solely provided by the college requesting permission to enter into another college's service area; and
  - (B) The requesting college does not share the FTE with the other college(s).

For the purposes of this rule, “an area assigned to another college” shall include an online class that is set up to specifically target students in another college’s service area.

(2) The level one instructional service agreement shall:

- (A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level one instructional service agreements;
- (B) Be signed by the presidents of each participating college;
- (C) Specify the course(s) or program(s) to be delivered into the other college's service area;
- (D) Specify the plan for delivery of the instruction;
- (E) Specify the conditions and time frame for termination of the agreement; and
- (F) Be maintained on file at all colleges involved for audit purposes.

(b) Level Two Instructional Service Agreement.

(1) Two or more colleges may jointly offer curriculum courses by providing a written, level two instructional service agreement under the following conditions:

- (A) Resources are shared between the participating colleges;
- (B) FTE may be shared between the participating colleges;
- (C) One or more of the participating colleges is approved to offer the curriculum course(s) in an approved program of study; and
- (D) A curriculum certificate, diploma or degree is not awarded.

(2) The level two instructional service agreement shall:

- (A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level two instructional service agreements;
- (B) Be signed by the president of each participating college;
- (C) Specify the course(s) to be delivered to the other college's service area;
- (D) Specify the plan for delivery of the instruction;
- (E) Specify the proration of resources and FTE allocated for each college;
- (F) Specify the conditions and time frame for termination of the agreement;
- (G) Be filed with the System Office President prior to implementation of the course(s);  
and
- (H) Be maintained on file at all colleges involved for audit purposes.

(c) Level Three Instructional Service Agreement.



- (1) Two or more colleges may jointly offer a curriculum program by providing a written, level three instructional service agreement under the following conditions:
  - (A) Resources are shared between the participating colleges;
  - (B) FTE may be shared between the participating colleges;
  - (C) One or more of the colleges participating is approved by the State Board of Community Colleges to offer the curriculum program; and
  - (D) A curriculum certificate, diploma or associate degree is awarded.
- (2) The level three instructional service agreement shall:
  - (A) Be approved by each participating board of trustees;
  - (B) Be signed by the board of trustees chair of each participating college;
  - (C) Be signed by the president of each participating college;
  - (D) Specify the program to be shared;
  - (E) Specify the plan for delivery of the program;
  - (F) Specify the proration of resources and/or FTE allocated for each college;
  - (G) Specify the conditions and time frame for termination of the agreement;
  - (H) Certify that appropriate and adequate resources are available between participating colleges. Where feasible, joint utilization of physical facilities, equipment, materials, and instructional faculty shall be considered;
  - (I) Certify that the curriculum program meets the standards of the appropriate accrediting agency or licensing authority;
  - (J) Specify which college will grant the award;
  - (K) Specify that only the college providing the instruction will record the letter grade on the student transcript;
  - (L) Be approved by the System Office President prior to implementation of the program; and
  - (M) Be maintained on file at each participating college for audit purposes.
- (3) Notification of termination of a level three agreement shall be sent to the System Office President by the college which grants the award, prior to the effective termination date.
- (d) The delivery of curriculum courses or programs delivered into another college's service area via non-traditional delivery as defined in Rule 1G SBCCC 200.93(e)(1) does not require an instructional service agreement.

- (e) A college may not delegate curriculum program approval to another college. Program approval is granted by the State Board of Community Colleges using criteria set forth in Rule 1D SBCCC 400.95.

*History Note: Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L. 1995, c. 625;*

*Temporary Adoption Eff. October 31, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Eff. May 1, 1995;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. [November 1, 2014](#); August 1, 2004; July 1, 1998.*

#### **1D SBCCC 400.97 COURSES AND STANDARDS FOR CURRICULUM PROGRAMS**

The Combined Course Library and curriculum standards for associate degree, diploma, and certificate programs shall be as follows:

- (1) Combined Course Library Curriculum Courses.
  - (a) The Combined Course Library shall contain the following elements for all curriculum program credit courses approved for the North Carolina Community College System.
    - (i) Course prefix;
    - (ii) Course number;
    - (iii) Course title;
    - (iv) Classroom hours and laboratory, clinical, and work experience contact hours, if applicable;
    - (v) Credit hours;
    - (vi) Prerequisites and corequisites, if applicable; and
    - (vii) Course description consisting of three sentences.
  - (b) The numbering system for curriculum courses within the Combined Course Library is as follows:
    - (i) The numbers 050-099 shall be assigned to developmental courses.

- (ii) The numbers 100-109 and 200-209 shall be assigned to certificate and diploma level curriculum courses. These courses shall not be included in associate degree programs.
  - (iii) The numbers 110-189 and 210-289 shall be assigned to associate degree level courses. These courses may also be included in certificate and diploma programs.
  - (iv) The numbers 190-199 and 290-299 shall be assigned to seminar or selected topic courses which may be offered for a single term and which courses offer content not found in existing courses. In order to offer the course content after the initial term, a new course must be approved for inclusion in the Combined Course Library.
- (c) A college shall use the course information (prefix; number; title; classroom, laboratory, clinical, and work experience contact hours; credit hours; prerequisites and corequisites; and course description) as listed in the Combined Course Library.
- (i) A college may add a fourth sentence to the course description to clarify instructional content or instructional methodology.
  - (ii) A college may divide courses into incremental units for greater flexibility in providing instruction to part-time students or to provide shorter units of study for abbreviated calendars. Each of the following criteria apply to courses divided into incremental units:
    - (A) A course may be divided into two or three units, which are designated with an additional suffix following the course prefix and number;
    - (B) The units shall equal the entire course of instruction, without omitting any competencies;
    - (C) The combined contact and credit hours for the units shall equal the contact and credit hours for the course;

- (D) If the course is a prerequisite to another course, the student shall complete all component parts before enrolling in the next course;
  - (E) If the course is a co-requisite to another course it must be taken before or in conjunction with that course; and
  - (F) The components of a split course shall not be used to supplant training for occupational extension.
- (d) The Community College System Office shall revise and maintain courses in the Combined Course Library.
- (e) When a student receives credit for a Combined Course Library course, this credit shall be transferable to any college in the North Carolina Community College System.
- (2) Revision of Curriculum Standards. A revision of curriculum standard requires that two thirds of colleges approved to offer that curriculum program concur in writing with the revision. Upon their concurrence changes in curriculum standards become effective after approval by the State Board of Community Colleges.
- (3) Criteria for Programs. Each curriculum program shall be based on the following criteria established by the State Board of Community Colleges for the awarding of degrees, diplomas, and certificates.
  - (a) Associate in Applied Science. The associate in applied science program of study must consist of a minimum of 64 and a maximum of 76 semester hours of credit from curriculum courses at the 110-199 and 210-299 levels. Within the degree program, the college shall include opportunities for the achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers. The requirements for the Associate in Applied Science Degree are as follows:
    - (i) The associate in applied science curriculum program shall include a minimum of 15 semester hours of credit from general education curriculum courses selected from the Combined Course Library, including six hours in communications, three hours in

humanities/fine arts, three hours in social/behavioral sciences, and three hours in either natural sciences or mathematics.

(ii) The associate in applied science curriculum program shall include a minimum of 49 semester hours of credit from major curriculum courses selected from the curriculum courses in the Combined Course Library assigned numbers from 110-199 and 210-299. Major curriculum courses are those which offer specific job knowledge or skills. Criteria for the major hours category are as follows:

- (A) Major Core Hours. The major hours category shall be comprised of identified curriculum core courses or subject areas or both which are required for each program. Subject areas or curriculum core courses shall be based on curriculum competencies and shall teach essential skills and knowledge necessary for employment. The number of credit hours required for the core shall not be less than 12 semester hours of credit;
- (B) Major Concentration Hours. The major hours category may also include hours required for a concentration of study. A concentration of study is a group of curriculum courses required beyond the core for a specific related employment field. A concentration shall include a minimum of 12 semester hours, and the majority of the curriculum course credit hours shall be unique to the concentration;
- (C) Other Major Hours. Other major hours shall be selected from prefixes identified on the curriculum standard. A maximum of nine semester hours of credit may be selected from any prefix listed, with the exception of prefixes listed in the core or concentration, or unique prefixes as noted on the standard; and

- (D) Work Experience Hours. The major hours category may include up to a maximum of eight semester hours credit for work experience, including cooperative education, practicums, and internships. Under a standard specifically designed for select associate degree programs, work experience shall be included in a curriculum up to a maximum of 16 semester hours of credit. The select associate degree programs shall be based on a program of studies registered under the North Carolina Department of Labor Apprenticeship programs. Only eight semester hours of credit of work experience shall earn budget FTE.
- (iii) Other Required Hours. A college may require graduation or local employer requirements in order to complete an associate in applied science program. These requirements may be met through a maximum of seven semester hours of credit from curriculum courses. These curriculum courses shall be selected from the Combined Course Library and must be approved by the System Office based on the Curriculum Procedures Reference Manual prior to implementation of the program. Restricted, unique or free elective courses may not be included as other required courses.
- (iv) Selected topics or seminar curriculum courses may be included in an associate in applied science degree program up to a maximum of three semester hours of credit. Selected topics or seminar courses shall not substitute for required general education or major core courses. Such curriculum courses shall be listed on a program of study as other major hours. Selected topics and seminar curriculum courses shall not be used more than once in a program.
- (b) Associate in Arts Degree. The associate in arts program of study must consist of a minimum of 64 and a maximum of 65 semester hours of credit from approved college transfer courses at the 110-199 and 210-299 levels. Within the degree program, the college shall include opportunities for the

achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers. Certificates are not allowed under this degree program. The requirements for the Associate in Arts Degree are as follows:

(i) The associate in arts curriculum program shall include a minimum of 44 semester hours of general education curriculum core courses selected from the Combined Course Library and approved for transfer to the University of North Carolina constituent institutions.

The general education core shall include:

(A) Six semester hours of English composition;

(B) 12 semester hours of humanities/fine arts;

(C) 12 semester hours of social/behavioral sciences;

(D) Six semester hours of mathematics; and

(E) Eight semester hours of natural sciences.

(ii) The associate in arts program shall include a minimum of 20 and a maximum of 21 additional semester hours of credit selected from curriculum courses in the Combined Course Library which have been approved for transfer to the University of North Carolina constituent institutions. A non-college transfer curriculum course of one semester hour of credit may be included in a 65 semester hour credit associate in arts program. This course may receive transfer evaluation by the receiving institution.

(iii) A college may award a diploma under an approved associate in arts degree program for a series of curriculum courses taken from the approved associate in arts degree program of study. This diploma shall include a minimum of 44 and a maximum of 47 semester hours of general education curriculum core courses selected from the Combined Course Library and approved for transfer to the University of North Carolina constituent institutions.

The diploma shall include a minimum of:

(A) Six semester hours of English composition;

- (B) 12 semester hours of humanities/fine arts;
- (C) 12 semester hours of social/behavioral sciences;
- (D) Six semester hours of mathematics; and
- (E) Eight semester hours of natural sciences.

A non-college transfer course of one semester hour of credit may be included in a 47 semester hour credit diploma program. This curriculum course may receive transfer evaluation by the receiving institution.

- (c) Associate in Science Degree. The associate in science program of study must consist of a minimum of 64 and a maximum of 65 semester hours of credit from approved college transfer courses at the 110-199 and 210-299 levels. Within the degree program, the college shall include opportunities for the achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers. Certificates are not allowed under this degree program. The requirements for Associate in Science Degree are as follows:
  - (i) The associate in science curriculum program shall include a minimum of 44 semester hours of general education curriculum core courses selected from the Combined Course Library and approved for transfer to the University of North Carolina constituent institutions. The general education core shall include:
    - (A) Six semester hours of English composition;
    - (B) Nine semester hours of humanities/fine arts;
    - (C) Nine semester hours of social/behavioral sciences; and
    - (D) 20 semester hours of mathematics and natural sciences that shall include a minimum of six semester hours in mathematics and a minimum of eight semester hours in natural sciences.
  - (ii) The associate in science curriculum program may include a minimum of 20 and a maximum of 21 additional semester hours of credit selected from curriculum courses in the Combined Course



Library which have been approved for transfer to the University of North Carolina constituent institutions. A non-college transfer curriculum course of one semester hour of credit may be included in a 65 semester hour credit associate in science program. This curriculum course shall receive transfer evaluation by the receiving institution.

- (iii) A college may award a diploma under an approved associate in science degree program for a series of curriculum courses taken from the approved associate in science degree program of study. This diploma shall include a minimum of 44 and a maximum of 47 semester hours of general education curriculum core courses selected from the Combined Course Library and approved for transfer to the University of North Carolina constituent institutions. The diploma shall include a minimum of:

- (A) Six semester hours of English composition;
- (B) Nine semester hours of humanities/fine arts;
- (C) Nine semester hours of social/behavioral sciences; and
- (D) 20 semester hours of natural sciences and mathematics that shall include a minimum of six hours in mathematics and a minimum of eight hours in natural sciences.

A non-college transfer curriculum course of one semester hour of credit may be included in a 47 semester hour credit program. This curriculum course may receive transfer evaluation by the receiving institution.

- (d) Associate in Fine Arts Degree. The associate in fine arts program of study must consist of a minimum of 64 and a maximum of 65 semester hours of credit from approved college transfer curriculum courses at the 110-199 and 210-299 levels. Within the degree program, the college shall include opportunities for achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers. Diplomas and certificates are not allowed under this degree

program. The requirements for the Associate in Fine Arts Degree are as follows:

- (i) The associate in fine arts curriculum program shall include a minimum of 28 semester hours of general education curriculum core courses selected from the Combined Course Library and approved for transfer to the University of North Carolina constituent institutions. The general education core shall include:
    - (A) Six semester hours of English composition;
    - (B) Six semester hours of humanities/fine arts;
    - (C) Nine semester hours of social/behavioral sciences;
    - (D) Three semester hours of mathematics; and
    - (E) Four semester hours from the natural sciences.
  - (ii) The associate in fine arts curriculum program shall include a minimum of 36 and a maximum of 37 additional semester hours of credit from curriculum courses in the Combined Course Library which have been approved for transfer to the University of North Carolina constituent institutions. A non-college transfer course of one semester hour of credit may be included in a 65 semester hour credit associate in fine arts program. This curriculum course may receive transfer evaluation by the receiving institution.
- (e) Associate in General Education. The associate in general education program of study must consist of a minimum of 64 and a maximum of 65 semester hours of credit from curriculum courses at the 110-199 and 210-299 levels. Within the degree program, the college shall include opportunities for the achievement of competence in reading, writing, oral communication, fundamental mathematical skills, and the basic use of computers. Diplomas and certificates are not allowed under this degree program. The requirements for the Associate in General Education Degree are as follows:
- (i) The associate in general education curriculum program shall include a minimum of 15 semester hours of credit from general

education curriculum courses selected from the Combined Course Library, including six hours in communications, three hours in humanities/fine arts, three hours in social/behavioral sciences, and three hours in natural sciences or mathematics.

- (ii) The remaining hours in the associate in general education curriculum program shall consist of additional general education and professional curriculum courses selected from the Combined Course Library. A maximum of seven semester hours of credit in health, physical education, and college orientation or study skills courses may be included.
  - (iii) Selected topics or seminar curriculum courses may be included in an associate in general education program up to a maximum of three semester hours of credit. Selected topics and seminar courses shall not substitute for required general education or major core courses. Such curriculum courses shall be listed on a program of study as "Other Major Hours." Selected topics and seminar curriculum courses shall not be used more than once in a program. (See Sub-Item (3)(a)(iv)) of this Rule.
- (f) Diploma. A Diploma program of study must consist of a minimum of 36 and a maximum of 48 semester hours of credit from courses at the 100-299 level. The requirements for the diploma curricula are as follows:
- (i) Diploma curricula shall include a minimum of six semester hours of general education curriculum courses selected from the Combined Course Library. A minimum of three semester hours of credit shall be in communications, and a minimum of three semester hours of credit shall be selected from curriculum courses in humanities/fine arts, social/behavioral sciences, or natural sciences and mathematics.
  - (ii) Diploma curricula shall include a minimum of 30 semester hours of major courses selected from curriculum courses in the Combined Course Library.

- (iii) A diploma curriculum program shall include designated core curriculum courses or core subject areas within the major hours category.
- (iv) Curriculum courses for other major hours in diploma curriculum program shall be selected from prefixes identified on the curriculum standard. A maximum of nine semester hours of credit may be selected from any prefix listed, with the exception of prefixes listed in the core or concentration or unique prefixes as noted on the curriculum standard.
- (v) Work experience, including cooperative education, practicums, and internships, may be included in a diploma curriculum program up to a maximum of four semester hours of credit.
- (vi) Other Required Hours. A college may require graduation or local employer requirements in order to complete a diploma program. These requirements may be met through a maximum of four semester hours of credit from curriculum courses. These curriculum courses shall be selected from the Combined Course Library and must be approved by the System Office based on the Curriculum Procedures Manual prior to implementation of the program. Restricted, unique or free elective courses may not be included as other required courses.
- (vii) A college may award a diploma under an approved associate in applied science degree curriculum program for a series of curriculum courses taken from the approved associate degree curriculum program of study unless prohibited by the standard.
  - (A) A diploma curriculum program offered under an approved associate degree program shall meet the standard general education and major curriculum course requirements for the diploma credential.
  - (B) A college may substitute general education curriculum courses at the 100-299 level for the associate-degree level

general education curriculum courses in a diploma program offered under an approved degree program.

- (C) A diploma curriculum program offered under an approved associate degree curriculum program shall require a minimum of 12 semester hours of credit from curriculum courses extracted from the required curriculum core courses or core subject areas of the respective associate in applied science degree curriculum program.
- (D) A diploma program offered under an approved associate degree concentration program shall require the utilization of all curriculum core courses and a minimum of 12 semester hours of credit from concentration courses.
- (viii) Selected topics or seminar curriculum courses may be included in a diploma program up to a maximum of three semester hours of credit. Selected topics and seminar curriculum courses shall not substitute for required general education or major curriculum core courses. Courses must be on a program of study as other major hours.
- (g) Certificate Programs. A certificate program of study must consist of a minimum of 12 and a maximum of 18 semester hours of credit from curriculum courses at the 100-299 level. The requirements for the Certificate Programs are as follows:
  - (i) General education is optional in certificate curricula.
  - (ii) Certificate curricula shall include a minimum of 12 semester hours of major curriculum courses selected from curriculum courses in the Combined Course Library.
  - (A) A certificate program which is a stand-alone curriculum program title or which is the highest credential level awarded under an approved associate in applied science degree or diploma program shall include a minimum of 12 semester hours of credit from core courses or the required

curriculum core subject areas within the major hours category.

- (B) Curriculum courses for other major hours in a stand-alone certificate curriculum program shall be selected from prefixes identified on the curriculum standard.
  - (C) Work experience, including cooperative education, practicums, and internships, may be included in a certificate program up to a maximum of two semester hours of credit.
- (iii) Other Required Hours. A college may require graduation or local employer requirements in order to complete a certificate program. These requirements may be met through a maximum of one semester hour of credit from curriculum courses. This curriculum course shall be selected from the Combined Course Library and must be approved by the System Office board on the Curriculum Procedures Manual prior to implementation of the program. Restricted unique or free elective courses may not be included as other required courses.
- (iv) An institution may award a certificate under an approved degree or diploma curriculum program for a series of courses totaling a minimum of 12 semester hours of credit and a maximum of 18 semester hours of credit taken from the approved associate degree or diploma curriculum program of study.
- (v) Selected topics or seminar courses may be included in a certificate program up to a maximum of three semester hours of credit.
- (4) Curriculum Standards Compliance. Each college shall select curriculum courses from the Combined Course Library in order to comply with the standards for each curriculum program title the college is approved to offer. The selected courses shall comprise the college's program of study for that curriculum program. The initial and revised program shall be filed with and approved by the System Office prior to implementation.

*History Note: Authority G.S. 115D-5; S.L. 1995, c. 625;*

*Temporary Adoption Eff. June 1, 1997;*

*Eff. July 1, 1998;*

*Amended Eff. June 1, 2009; July 1, 2007; October 1, 2006; December 1, 2004;*

*August 15, 2004.*

### **1D SBCCC 400.98 ARTICULATION**

(a) The State Board of Community Colleges shall encourage meetings with the State Board of Education and the Board of Governors of The University of North Carolina to discuss educational matters of mutual interest and to recommend to the General Assembly policies that are appropriate to encourage the improvement of public education at every level in North Carolina.

(b) The State Board of Community Colleges encourages formal and informal articulation efforts on a continuing basis among the educational systems. Articulation among the State educational systems should address programming, transferability, and other student-oriented issues which would result in better serving the educational needs of North Carolina. Where feasible, the joint utilization of physical facilities, equipment and materials should be considered.

(c) All North Carolina Community College System associate in science, associate in arts, and associate in fine arts degree programs shall be structured to comply with the North Carolina Comprehensive Articulation Agreement for the transfer of credits between the institutions of the North Carolina Community College System and the University of North Carolina.

*History Note: Authority G.S. 115D-2.1; 115D-3; 115D-5; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; December 1, 1984;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. July 1, 1998.*

### **1D SBCCC 400.99 CAREER AND COLLEGE PROMISE**

**500. CUSTOMIZED TRAINING**

**1D SBCCC 500.1 PROGRAM CLASSIFICATION**

The following criteria are used for classifying the programs offered in the North Carolina Community College System.

(1) Curriculum Programs:

(a) A curriculum program is an organized sequence of courses leading to an associate degree, a diploma, or a certificate. All curriculum programs are designed to provide education, training, or retraining for the work force.

(i) Associate degree programs are planned programs of study culminating in an associate in applied science, associate in arts, associate in fine arts, associate in science, or associate in general education degree.

(A) The associate in applied science degree programs are designed to prepare individuals for employment. These programs involve the application of scientific principles in research, design, development, production, distribution, or service.

(B) The associate in arts, associate in science, and associate in fine arts degree programs are designed to prepare students for transfer at the junior level to institutions offering baccalaureate degrees.

(C) The associate in general education degree programs are designed for students who desire a general liberal arts education.

(ii) The diploma programs are designed to provide entry-level employment training. A diploma program may be a stand-alone curriculum program title, or a college may award a diploma under the college's associate in applied science degree curriculum



program for a series of courses taken from the program of study and structured so that a student may complete additional non-duplicative coursework to receive an associate in applied science degree.

- (iii) The certificate programs are designed to lead to employment or to provide skills upgrading or retraining for individuals already in the workforce. A certificate program may be a stand-alone curriculum program title, or a college may award a certificate under the college's associate degree or diploma curriculum program for a series of courses taken from the program of study.
  - (b) Developmental Education programs consist of courses and support services which include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses do not earn credit toward a degree, diploma, or certificate.
- (2) Continuing Education Programs:
- (a) Occupational Extension courses consist of single courses, each complete in itself, designed for the specific purposes of training an individual for full- or part-time employment, upgrading the skills of persons presently employed, and retraining others for new employment in occupational fields.
  - (b) Community Service:
    - (i) Community Service courses consist of single courses, each complete in itself, that focus on an individual's personal or leisure needs rather than occupational or professional employment.
    - (ii) The cultural and civic, and visiting artist component of this program meets community needs through lecture and concert series, art shows, the use of college facilities by community groups, providing speakers to community organizations, and

providing visiting artist activities for college communities. Visiting artists may be provided an opportunity to work as artists in residence to enhance local arts resources and promote the various visual, performing and literary arts in communities throughout North Carolina.

(c) Self-Supporting Programs:

- (i) A self-supporting course is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled.
- (ii) Recreational programs are self-supporting courses which the college may provide at the request of the community but for which the college receives no budgetary credit. Funds appropriated as operating expenses for allocation to the colleges shall not be used to support recreation courses. The financing of these courses by a college shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students for use in budget-funding formulas at the state level.

(d) Basic Skills Programs. The State Board and the community college system shall encourage persons to complete high school rather than seek testing for the High School Diploma Equivalency.

- (i) High School Equivalency programs consist of classroom instruction, learning laboratory courses, or a combination of activities designed to qualify a student for an adult high school diploma. An Agreement of Affiliation with a local public school system is required for minors sixteen or seventeen years old. No agreement is required for adults eighteen years old and older.
- (ii) General Educational Development (GED) testing programs consist of classroom instruction, or learning laboratory courses, or a combination of both designed to qualify a student to demonstrate competency on the General Educational Development (GED) tests and to receive a High School Diploma equivalency from the State

Board. The State Board is responsible for the administration of the General Educational Development testing program in cooperation with the Office on Educational Credit of the American Council on Education. The procedures regulating the GED Testing Program set forth in the GED Examiner's Manual published by the General Educational Development Testing Service of the American Council on Education are hereby incorporated by reference. A copy of this manual is available for inspection in the Office of the System President, Community College System Office, 200 W. Jones Street, Raleigh NC 27603-1379. A copy of this manual may be obtained at a cost of fifteen dollars (\$15.00) from the GED Testing Service of the American Council on Education, One Dupont Circle NW, Suite 250, Washington, DC 20036-1163.

- (iii) The Adult Basic Education (ABE) program is designed for adults who are functioning at or below the eighth grade educational level. The major objectives of the program are to enable adults to acquire the basic educational skills necessary to be fully competent in our society, to improve their ability to benefit from occupational training and to have greater opportunities for more productive and profitable employment, and to meet their own objectives for enrolling in the program. Classes are offered and focus on fundamental skills such as reading, writing, speaking, computing, critical thinking, and problem solving.
- (iv) The English as a Second Language (ESL) program offers classes which accommodate the varied needs of the immigrant and refugee populations. Attention is given to both the cultural and linguistic needs as instruction is focused upon the formation of accurate, appropriate communication skills and upon the student's ability to function in the adult American community. Classes are offered at the beginning through the advanced levels of ESL. The curriculum is designed to develop the basic language skills of reading, writing,

speaking, and listening. Instruction integrates the English language with topics that prepare students for everyday life, employment, and citizenship.

- (v) The Compensatory Education (CED) program is designed for adults with mental retardation. The program is highly individualized and fosters a maximum level of independent living commensurate with personal ability. Instruction is offered in math, language, social science, health, community living, consumer education and vocational education.
- (e) Customized Training Program.
  - (i) The Customized Training Program addresses company-specific training customized for job growth, technology investment, or productivity enhancement. Based on needs specified in G.S. 115D-5.1, Customized Training Programs shall address job-specific training.
  - (ii) The Small Business Center program provides training, counseling and referral services especially designed in content and delivery modes for small businesses, both existing and prospective.
- (f) The Human Resources Development (HRD) program provides skill assessment services, employability skills training, and career development counseling to unemployed and underemployed adults. These courses shall address six core components as follows:
  - (i) assessment of an individual's assets and limitations;
  - (ii) development of a positive self-concept;
  - (iii) development of employability skills;
  - (iv) development of communication skills;
  - (v) development of problem-solving skills; and
  - (vi) awareness of the impact of information technology in the workplace.
- (g) The Learning Laboratory programs consist of self-instruction using programmed texts, audio visual equipment, and other self-instructional

materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the lab.

*History Note: Authority G.S. 115D-1; 115D-2; 115D-5; S.L. 1995, c. 625; S.L. 2001, c. 424, s. 30.3(b), (e);  
Eff. February 1, 1976;  
Readopted Eff. January 24, 1978;  
Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981;  
Temporary Amendment Eff. June 1, 1997;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. October 4, 2001;  
Amended Eff. June 1, 2009; April 1, 2003.*

#### **1D SBCCC 500.98 CUSTOMIZED TRAINING PROGRAM**

(a) Local colleges shall provide customized training programs for companies experiencing job growth, productivity enhancement needs, or creating technology investment to support the economic development of the State. Training programs for these companies shall be administered by the local college, with consultation and assistance from the department's System Office Economic Development staff.

(b) State funds are appropriated to the North Carolina Community College System office in a separate line to support the Customized Training Program. These funds shall be used only to support companies experiencing job growth, productivity enhancement or technology investment.

*History Note: Authority G.S. 115D-5;  
Eff. February 1, 1976;  
Readopted Eff. January 5, 1978;  
Amended Eff. July 1, 2009; September 1, 1993; December 1, 1984.*

## **1D SBCCC 500.99 ASSISTANCE FOR ECONOMIC DEVELOPMENT**

- (a) A board of trustees that permits a private business enterprise to use college facilities or personnel pursuant to G.S. 66-58(c) and G.S. 115D-20(12) shall enter into a written agreement with the private business enterprise prior to providing any services. The agreement shall state the terms and conditions including costs for using college facilities and personnel.
- (b) Access to a college's small business incubator shall be limited to 24 months for private business enterprises.
- (c) Videoconferencing services may be provided to the public for occasional use.
- (e) The board of trustees shall evaluate its services for small business incubators, product testing or teleconferencing services on an annual basis.

*History Note: Authority G.S. 66-58(c); 115D-20(12);  
Temporary Adoption Eff. October 10, 2001;  
Eff. April 1, 2003.*

## **600. SMALL BUSINESS CENTERS**

### **1D SBCCC 600.1 PROGRAM CLASSIFICATION**

The following criteria are used for classifying the programs offered in the North Carolina Community College System.

- (1) Curriculum Programs:
  - (a) A curriculum program is an organized sequence of courses leading to an associate degree, a diploma, or a certificate. All curriculum programs are designed to provide education, training, or retraining for the work force.
    - (i) Associate degree programs are planned programs of study culminating in an associate in applied science, associate in arts, associate in fine arts, associate in science, or associate in general education degree.
      - (A) The associate in applied science degree programs are designed to prepare individuals for employment. These

programs involve the application of scientific principles in research, design, development, production, distribution, or service.

- (B) The associate in arts, associate in science, and associate in fine arts degree programs are designed to prepare students for transfer at the junior level to institutions offering baccalaureate degrees.
  - (C) The associate in general education degree programs are designed for students who desire a general liberal arts education.
- (ii) The diploma programs are designed to provide entry-level employment training. A diploma program may be a stand-alone curriculum program title, or a college may award a diploma under the college's associate in applied science degree curriculum program for a series of courses taken from the program of study and structured so that a student may complete additional non-duplicative coursework to receive an associate in applied science degree.
  - (iii) The certificate programs are designed to lead to employment or to provide skills upgrading or retraining for individuals already in the workforce. A certificate program may be a stand-alone curriculum program title, or a college may award a certificate under the college's associate degree or diploma curriculum program for a series of courses taken from the program of study.
- (b) Developmental Education programs consist of courses and support services which include diagnostic assessment and placement, tutoring, advising, and writing assistance. These programs are designed to address academic preparedness, workforce retraining, development of general and discipline-specific learning strategies, and affective barriers to learning. Developmental courses do not earn credit toward a degree, diploma, or certificate.

- (2) Continuing Education Programs:
- (a) Occupational Extension courses consist of single courses, each complete in itself, designed for the specific purposes of training an individual for full- or part-time employment, upgrading the skills of persons presently employed, and retraining others for new employment in occupational fields.
  - (b) Community Service:
    - (i) Community Service courses consist of single courses, each complete in itself, that focus on an individual's personal or leisure needs rather than occupational or professional employment.
    - (ii) The cultural and civic, and visiting artist component of this program meets community needs through lecture and concert series, art shows, the use of college facilities by community groups, providing speakers to community organizations, and providing visiting artist activities for college communities. Visiting artists may be provided an opportunity to work as artists in residence to enhance local arts resources and promote the various visual, performing and literary arts in communities throughout North Carolina.
  - (c) Self-Supporting Programs:
    - (i) A self-supporting course is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled.
    - (ii) Recreational programs are self-supporting courses which the college may provide at the request of the community but for which the college receives no budgetary credit. Funds appropriated as operating expenses for allocation to the colleges shall not be used to support recreation courses. The financing of these courses by a college shall be on a self-supporting basis, and membership hours produced from these activities shall not be counted when computing full-time equivalent students for use in budget-funding formulas at the state level.



- (d) Basic Skills Programs. The State Board and the community college system shall encourage persons to complete high school rather than seek testing for the High School Diploma Equivalency.
- (i) High School Equivalency programs consist of classroom instruction, learning laboratory courses, or a combination of activities designed to qualify a student for an adult high school diploma. An Agreement of Affiliation with a local public school system is required for minors sixteen or seventeen years old. No agreement is required for adults eighteen years old and older.
  - (ii) General Educational Development (GED) testing programs consist of classroom instruction, or learning laboratory courses, or a combination of both designed to qualify a student to demonstrate competency on the General Educational Development (GED) tests and to receive a High School Diploma equivalency from the State Board. The State Board is responsible for the administration of the General Educational Development testing program in cooperation with the Office on Educational Credit of the American Council on Education. The procedures regulating the GED Testing Program set forth in the GED Examiner's Manual published by the General Educational Development Testing Service of the American Council on Education are hereby incorporated by reference. A copy of this manual is available for inspection in the Office of the System President, Community College System Office, 200 W. Jones Street, Raleigh NC 27603-1379. A copy of this manual may be obtained at a cost of fifteen dollars (\$15.00) from the GED Testing Service of the American Council on Education, One Dupont Circle NW, Suite 250, Washington, DC 20036-1163.
  - (iii) The Adult Basic Education (ABE) program is designed for adults who are functioning at or below the eighth grade educational level. The major objectives of the program are to enable adults to acquire the basic educational skills necessary to be fully competent in our

society, to improve their ability to benefit from occupational training and to have greater opportunities for more productive and profitable employment, and to meet their own objectives for enrolling in the program. Classes are offered and focus on fundamental skills such as reading, writing, speaking, computing, critical thinking, and problem solving.

- (iv) The English as a Second Language (ESL) program offers classes which accommodate the varied needs of the immigrant and refugee populations. Attention is given to both the cultural and linguistic needs as instruction is focused upon the formation of accurate, appropriate communication skills and upon the student's ability to function in the adult American community. Classes are offered at the beginning through the advanced levels of ESL. The curriculum is designed to develop the basic language skills of reading, writing, speaking, and listening. Instruction integrates the English language with topics that prepare students for everyday life, employment, and citizenship.
- (v) The Compensatory Education (CED) program is designed for adults with mental retardation. The program is highly individualized and fosters a maximum level of independent living commensurate with personal ability. Instruction is offered in math, language, social science, health, community living, consumer education and vocational education.
- (e) Customized Training Program.
  - (i) The Customized Training Program addresses company-specific training customized for job growth, technology investment, or productivity enhancement. Based on needs specified in G.S. 115D-5.1, Customized Training Programs shall address job-specific training.

- (ii) The Small Business Center program provides training, counseling and referral services especially designed in content and delivery modes for small businesses, both existing and prospective.
- (f) The Human Resources Development (HRD) program provides skill assessment services, employability skills training, and career development counseling to unemployed and underemployed adults. These courses shall address six core components as follows:
  - (i) assessment of an individual's assets and limitations;
  - (ii) development of a positive self-concept;
  - (iii) development of employability skills;
  - (iv) development of communication skills;
  - (v) development of problem-solving skills; and
  - (vi) awareness of the impact of information technology in the workplace.
- (g) The Learning Laboratory programs consist of self-instruction using programmed texts, audio visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the lab.

*History Note: Authority G.S. 115D-1; 115D-2; 115D-5; S.L. 1995, c. 625; S.L. 2001, c. 424, s. 30.3(b), (e);  
Eff. February 1, 1976;  
Readopted Eff. January 24, 1978;  
Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981;  
Temporary Amendment Eff. June 1, 1997;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. October 4, 2001;  
Amended Eff. June 1, 2009; April 1, 2003.*

**700.**

**GENERAL PROVISIONS**

**1D SBCCC 700.98 INSTRUCTION TO CAPTIVE OR CO-OPTED GROUPS**

(a) A college shall obtain State Board approval prior to providing instruction to students who are classified captive or co-opted. Captive or co-opted groups of students are defined as inmates in a correctional facility; clients of sheltered workshops, domiciliary care facilities, nursing facilities, mental retardation centers; substance abuse rehabilitation centers; and in-patients of psychiatric hospitals. Approval by the State Board of Community Colleges shall constitute approval of the curriculum program or occupational extension course(s) and the group to be served by the college.

(b) Instruction to captive or co-opted groups may be approved when the State Board determines that the proposed instruction for the group is not a function of the requesting agency, and the instruction is within the purpose of the community college.

(c) Instruction to captive or co-opted groups may be approved in the form of curriculum programs or courses and occupational extension courses. State Board of Community Colleges (SBCC) approved curricula for Captive or co-opted groups shall include changes in programs of study and SBCC approved occupational extension course modifications. Physical education or work experience may not be a part of a curriculum program in a correctional setting.

(d) Policies governing student enrollment in curriculum programs or courses and occupational extension courses shall be consistent with general college policies.

*History Note: Authority G.S. 115D-1; 115D-5;*

*Emergency Adoption Eff. July 1, 1979 For a Period of 120 days to Expire on October 29, 1979;*

*Made Permanent By Amendment Eff. October 5, 1979;*

*Amended Eff. April 1, 2003; January 1, 1996; September 1, 1993; December 1, 1984.*

**1D SBCCC 700.99 LIVE PROJECTS**

(a) Live projects are defined as:

- (1) educational programs in which students, as part of their educational experiences, repair or remodel equipment not owned by the college; or
- (2) educational programs that produce goods that are sold or services for which charges are made, such goods or services being the normal and necessary product of learning activities of students.

(b) In the case of (a)(1) of this Rule, the owner of the equipment must supply or pay for all parts required. In the case of (a)(2) of this Rule, the following regulations apply:

- (1) Where federal programs are involved, rules do not permit goods to be sold. In such programs, goods produced may be used for the benefit of the college or donated to another non-profit charitable or educational agency or institution.
- (2) For live projects that involve the purchase of equipment from the state or federal surplus property agency, the repair of this equipment and its sale as surplus under the rules of the State Division of Purchase and Contract, the proceeds of such sales shall be deposited with the State Board and credited to the equipment budget of the college.
- (3) In other programs that fall under the above definition of live projects:
  - (A) The local board of trustees shall approve rules, consistent with state laws and rules, covering the disposal of goods and services, charges made, etc.
  - (B) The local board of trustees shall provide that the receipts be deposited to the State Treasurer (unless a "special local" fund account arrangement has been worked out in keeping with rules of the department). Receipts deposited to the State Treasurer under this provision shall be allotted back to the college for expenditures during the same fiscal year.
  - (C) Where a "special local" fund arrangement is set up as provided in (b)(3)(B) of this Rule, all costs made necessary because goods or services are produced and then sold shall be paid from the "special local" account that receives the income. This includes materials used in producing the goods and services, extra personnel required to serve customers, specialized equipment that would not otherwise be required for instruction alone, and other costs directly related to a live project as distinguished from an instructional program that does not produce income. Detailed

records must be maintained on the special local fund account in order that periodic financial statements may be prepared and a complete audit of the account made after the close of the fiscal year.

- (D) Where a "special local" fund arrangement is set up as provided in Part (b)(3)(B) of this Rule, the local board of trustees shall adopt regulations which set forth the purposes for which funds from the special local fund [in excess of those required under Part (b)(3)(C) of this Rule] may be used. Such funds shall not be used to supplement regular salaries of permanent employees whose base salaries are paid from state or local appropriations.
- (E) Approval as a Special Fund. If a project is expected to continue over an extended period of time or if the cost of providing the goods or services is difficult to trace to a particular patron, the project may be accounted for as a "special fund". Expenses of these projects may be paid out of receipts. The approval of the Department will be required to set up projects as special funds.

(c) The clientele served in providing clinical experience for students by carrying on live projects shall be limited to students and employees in the system so far as possible. Where, however, outside clients become necessary in order to provide enough experience to carry out educational programs, clients shall be selected from the general public on the basis of standing criteria adopted and published by the college, not inconsistent with State Board rules.

(d) The above rules, except those under Subparagraph (b)(2) of this Rule, do not apply to the disposal of any state owned equipment, which must be declared surplus and sold by the State Board.

*History Note: Authority G.S. 115D-5; 115D-14; P.L. 97-300;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 17, 1981.*

## **CHAPTER E. STUDENT TUITION AND FEES**

## SUBCHAPTER 100. DEFINITIONS

### 1E SBCCC 100.1 Definitions

The following definitions apply to this Chapter:

- (a) “Enroll” – To become a student in a course section by registering for the course section and either making payment or receiving financial aid for that course section. For the purposes of this definition, a tuition or registration fee waiver is a form of financial aid.
- (b) “Local Fees” – A fee charged to a student for a good or service provided by the college other than instruction.
- (c) “Register” – To complete the procedure defined by the college to sign up for a course section.
- (d) “Registration Fee” – The amount charged to a student to enroll in a continuing education course that earns budget FTE as described in 1G SBCCC 100.99.
- (e) “Self-Supporting Fee” – A fee charged to a student to enroll in a course that is offered on a self-supporting basis, as provided by 1E SBCCC 600.
- (f) “Tuition” - The amount charged to a student to enroll in a curriculum course that earns budget FTE as described in 1G SBCCC 100.99.
- (g) “Waive” – To exempt a student from paying a charge that would otherwise be required and adjust the student’s account accordingly. The amount waived represents revenue foregone by the entity that would have otherwise received the benefit of the revenue.

*History Note: Authority G.S. 115D-5;*

*Eff. [May 16, 2014](#).*

## SUBCHAPTER 200. GENERAL PROVISIONS

### 1E SBCCC 200.1 Authority to Establish Tuition and Fees

- (a) Colleges shall charge students tuition and registration fees consistent with this chapter. Colleges are authorized to charge self-supporting and local fees established by their boards of trustees consistent with this chapter.

- (b) Colleges shall provide students through publicly-available means information about all approximate tuition and fees required for a course prior to enrollment. Tuition and fees shall be kept to a minimum consistent with the State Board philosophy to keep student costs as low as possible.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 200.2 Time Due, Deferred Payment, Failure to Pay**

- (a) Time Due. If a student registers on or before the first date of a course section, tuition, registration fees, and other fees required for enrollment are due on a specific date prescribed by the college that is on or before the first date of the course section. If a student registers after the first date of the course section, tuition, registration fees, and other fees required for enrollment are due at the time of the student's registration. A student may satisfy the requirement for payment due through one or more of the following four methods:

- (1) Directly paying the college.
- (2) Demonstrating to the college's satisfaction that the student is eligible for financial aid or other third-party payment.
- (3) Entering into a deferred payment plan authorized by 1E SBCCC 200.2(b).
- (4) Providing evidence of eligibility for a tuition or registration fee waiver consistent with 1E SBCCC 800.

To ensure tuition receipts are deposited to the credit of the fiscal year in which the Fall academic term occurs, colleges shall begin collecting curriculum tuition payments for the Fall academic term on or after July 1 of that year.

- (b) Deferred Payment. The college may, with approval of the board of trustees, prescribe written procedures to permit short-term deferred payment or payment in installments; provided, however, that payment in full is due by the end of the academic term. For the purposes of this section, "short term" is defined as a period that does not extend beyond the last day of the academic term.



(c) Failure to Pay. Unless otherwise prohibited by law, colleges may not enroll or distribute an academic credential to a student with an outstanding balance for tuition or registration fees except under the following circumstances:

- (1) The college anticipates that the outstanding balance will be paid using pending financial aid;
- (2) A person or organization demonstrates to the satisfaction of the college the ability to pay the outstanding obligation and guarantees in writing to pay the balance if the student fails to do so;
- (3) A student is registered in a course section offered for the benefit of a company or agency. For the purpose of this rule, company or agency specific course sections are courses where the company pays the tuition or registration, and courses where attendance in the course section is limited to employees of the company or agency;
- (4) A student is classified as a captive or co-opted student pursuant to 1D SBCCC 700.98(a);  
or
- (5) A student is registered in a course that is on a specialized course list approved by the State Board of Community Colleges and supports the organizational training needs for entities specified in G.S. 115D-5(b)(2).

Unless otherwise prohibited by law, colleges may withhold transcripts of grades and any other service pending resolution of outstanding monetary obligations. This statement shall not be construed to prohibit a college's board of trustees from adding more stringent provisions that are allowable under law regarding outstanding monetary balances.

*History Note:* Authority G.S. 115D-5; G.S. 115D-39;

*Eff.* [May 16, 2014](#);

*Amended Eff.* [February 1, 2015](#).

### **1E SBCCC 200.98 Authority to Establish Tuition and Fees**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note:* Authority G.S. 115D-5; 115D-39; 116-143.1; S.L. 1995, c. 625;

*Eff.* February 1, 1976;

*Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981; January 14, 1980;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. August 1, 2004; July 1, 1998;*

*Repealed Eff. [May 16, 2014](#).*

### **1E SBCCC 200.99 Deposit of Fees**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; 115D-58.9;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 17, 1981;*

*Repealed Eff. [May 16, 2014](#).*

## **SUBCHAPTER 300. CURRICULUM TUITION**

### **1E SBCCC 300.1 Tuition for Curriculum Programs**

- (a) Tuition Rates. The State Board shall set a uniform tuition rate per credit hour and a maximum tuition amount per academic term for resident and non-resident students consistent with actions taken by the General Assembly.
- (b) Tuition Required. Colleges are required to charge students tuition to enroll in a curriculum course that earns Budget FTE as described in 1G SBCCC 100.99. Students are required to pay tuition, or have a third-party pay on their behalf, to enroll in a curriculum course, unless waived by law. See also 1E SBCCC Subchapter 800.
- (c) Tuition for Student Enrolled in More than One College. If a student enrolls for the same academic term at two or more community colleges, the student may pay the total amount of tuition and registration fees to the student's "home" college, at the discretion of the "home" college. For the purposes of this section, "home" college means the college in which the student initially enrolls for the academic term. The "home" college shall work with the other college or colleges in which the student is enrolled to ensure the student is not charged more tuition than the maximum allowed by the State Board for the academic term. Student

membership hours as defined in Chapter G for instruction received shall be reported by the college in which the respective instruction occurred.

- (d) Deposit of Tuition. All tuition receipts are State funds. Colleges must deposit all tuition receipts to the credit of the State Treasurer, consistent with State law.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 300.2 Family Relocation Tuition**

- (a) As provided by G.S. 115D-39(a), community colleges may charge resident tuition rates to nonresident students who are members of families that were transferred to this state by businesses, industries, or civilian families transferred by the military, for employment. Prior to enrollment at the resident tuition rate, the nonresident student shall fulfill the following conditions:
- (1) Demonstrate that his or her family moved to this state within the 12 months preceding enrollment;
  - (2) Present a letter to the college from the employer on corporate letterhead stating that the employee, through whom the student claims this benefit, relocated to this state for employment with that business, industry, or military establishment;
  - (3) Present proof of his or her familial relationship with the employee, unless the student is the employee;
  - (4) Present proof that the student lives in the same house with the employee, unless the student is the employee;
  - (5) Present proof that the student is financially dependent on the employee through which the student claims this benefit, unless the student is the employee; and
  - (6) Comply with the requirements of the Selective Service System, if applicable.
- (b) The number of students at a college eligible for resident tuition under this Rule in a given academic year shall not exceed one percent of the average number of nonresident students, rounded up to the next whole number, enrolled at the college during the preceding academic year. If a college charges resident tuition to students eligible under this section, eligible students shall be granted this benefit on a first-come, first-served basis.

(c) Each local board of trustees shall adopt and publish a written policy specifying whether the college will charge resident tuition rates to nonresident students who satisfy the provisions of this section. If a local board of trustees adopts a policy that allows the college to charge resident tuition rates to nonresident students who satisfy the provisions of this section in some instances and not in others, the local board of trustees' policy shall specify the factors the college will use to determine when to grant the resident tuition rate and when to deny the resident tuition rate.

*History Note: Authority G.S. 115D-5; G.S. 115D-39*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 300.99 Tuition and Fees for Curriculum Programs**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; P.L. 93-508; S.L. 1995, c. 625; S.L. 2010-31, s. 8.6;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; December 1, 1984*

*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. June 1, 1994;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. April 1, 2011; August 1, 2010; April 1, 2005; August 1, 2002;*

*August 1, 1998;*

*Repeal Eff. [May 16, 2014](#).*

## **SUBCHAPTER 400. CONTINUING EDUCATION REGISTRATION FEES**

### **1E SBCCC 400.1 Continuing Education Registration Fees**

- (a) Registration Fee Rates. The State Board shall set a uniform registration fee schedule for continuing education courses based on course length, consistent with actions taken by the General Assembly.
- (b) Registration fee required. Colleges are required to charge students a registration fee to enroll in a continuing education course section that earns budget FTE as described in 1G SBCCC 100.99. Students are required to pay a registration fee, or have a third-party pay on their behalf, to enroll in a continuing education course, unless waived by law. See also 1E SBCCC Subchapter 800.
- (c) Deposit of Registration Fees. All registration fee receipts are State funds. Colleges must deposit all registration fee receipts to the credit of the State Treasurer, consistent with State law.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

#### **1E SBCCC 400.99 Fees for Extension Programs**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;*

*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. June 1, 1994;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998;*

*Repeal Eff. [May 16, 2014](#).*

### **SUBCHAPTER 500. ADULT HIGH SCHOOL EQUIVALENCY TEST FEES**

#### **1E SBCCC 500.1 Adult High School Equivalency Test Fees**

- (a) **Adult High School Equivalency Testing Fee.** The State Board of Community Colleges shall establish a uniform fee charged to students taking an adult high school equivalency test administered at a community college. The adult high school equivalency testing fee is separate and in addition to the fee, if any, charged by and retained by a third-party entity under contract with the System Office to provide the adult high school equivalency test.
- (b) **Required Payment.** Students must pay the adult high school equivalency testing fee prior to taking any test within the adult high school equivalency test battery.
- (c) **Deposit of Fees.** All adult high school equivalency testing fee receipts are State funds. Colleges must deposit all testing fee receipts to the credit of the State Treasurer, consistent with State law.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

## **1E SBCCC 500.99 Reserved for Future Codification**

### **SUBCHAPTER 600. SELF-SUPPORTING COURSE SECTIONS**

#### **1E SBCCC 600.1 Definitions**

The following definitions apply to this Subchapter:

- (a) “Direct costs” - The costs required to provide an instructional course section. Examples of direct costs include, but are not limited to, instructor salaries and salary-related benefits (i.e. retirement contributions, health insurance, etc.), travel to and from the instructional site, course curriculum development costs, instructional supplies, equipment, building rental, insurance, advertising, printing, postage, mailing costs, and any other costs specifically related to the course section. Refreshments and meals may be included as a direct cost if disclosed to potential students prior to the start of the course section.
- (b) “Indirect costs” – The costs associated with activities and services that support instruction, but which cannot be exclusively assigned to a course section. Examples of indirect costs include, but are not limited to, student services, administrative costs, utilities, custodial services, and security services, which cannot be exclusively assigned to a course section.

- (c) “Self-supporting” - Funding the direct and indirect costs of a course or set of courses through receipts collected from students or from a third-party on behalf of students enrolled in the course or set of courses.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 600.2 Authority to Charge Self-supporting Fees**

- (a) Authority to Charge. Colleges are authorized to offer curriculum and continuing education course sections on a self-supporting basis and charge self-supporting fees to students who enroll in self-supporting course sections.
- (b) Local Policy. The board of trustees shall adopt a policy regulating self-supporting activities prior to a college offering self-supporting course sections. This policy shall include, at minimum, the following elements:
- (1) The method the college must use to determine self-supporting fee rates, and
  - (2) The permissible uses of excess funds generated from self-supporting activities.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 600.3 Self-supporting Fee Rates**

- (a) A college shall set all self-supporting fees consistent with the policy adopted by its board of trustees. A college may adopt different self-supporting fees for different courses and activities, subject to the limitations established by this subsection.
- (b) Curriculum Self-Supporting Fee Rates: Colleges shall determine self-supporting fees for curriculum courses using one of the following two methods of calculation:
- (1) Pro-rata Share Method. The amount charged to each student shall approximate the pro-rata share of the direct and indirect costs associated with providing self-supporting instruction. Unless the college can demonstrate a need for a higher rate, a college may estimate indirect costs by applying its federal indirect cost rate or a rate up to 25%, whichever is higher, to the direct costs of providing the self-supporting activity. The

amount charged to the student shall be calculated based on either 1) the estimated costs of an individual self-supporting course section divided by the number of students expected to enroll in the course section or 2) the estimated costs of a set of self-supporting course sections divided by the number of students expected to enroll in the set of course sections. Each student must pay the self-supporting fee even if the sum of the curriculum tuition and self-supporting fees charged to the student for the academic term exceeds the maximum tuition rate set by the State Board and academic term.

- (2) Transparent Rate Method. The college shall charge each student an amount consistent with the curriculum tuition rate based on residency status. The transparent rate method shall only be used if the receipts generated through this method can adequately support the direct and indirect costs of the self-supporting instruction.
- (c) Continuing Education Self-Supporting Fee Rates: Colleges shall set self-supporting fees for continuing education course sections at a level at or below the local market rate for the type of continuing education instruction provided.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

#### **1E SBCCC 600.4    Deposit and Use of Self-supporting Fees**

- (a) Deposit of Self-Supporting Fees. Colleges shall deposit self-supporting fee receipts in an institutional unrestricted general ledger account. Any course section initially designated as self-supporting cannot be changed to a State-funded designation after the college collects any receipts for the course section.
- (b) Use of Self-Supporting Fee Receipts. Self-supporting fee receipts shall be used to support the direct and indirect costs of the self-supporting course sections. Colleges shall not use state funds for direct costs of self-supporting course sections. If a full-time faculty member teaches a self-supporting course section, colleges shall either 1) pro-rate the faculty salary based on the time allocated between state-funded and self-supporting course sections in the faculty member's course load, or 2) reimburse State funds an amount equal to the number of instructional hours associated with self-supporting course section multiplied by the instructor's hourly rate of pay.



- (c) Excess Receipts. If self-supporting receipts exceed expenditures for the fiscal year, colleges shall use excess receipts to either support the costs of future self-supporting course sections or to support costs authorized by 1E SBCCC 700.7.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 600.99 Fees for Extension Programs**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;*

*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. June 1, 1994;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998;*

*Repeal Eff. [May 16, 2014](#).*

## **SUBCHAPTER 700. LOCAL FEES**

### **1E SBCCC 700.1 General Provisions**

- (a) Authority to Charge. Colleges are authorized to charge local fees that are established by the local board of trustees under the provisions of this Subchapter.
- (b) Local Policy. The local board of trustees must establish all local fees and adopt policies governing the use of local fee receipts, consistent with this Subchapter.
- (c) Deposit and Use of Local Fees. Colleges shall deposit receipts derived from local fees in an unrestricted institutional account. Colleges shall use local fee receipts only for the purposes for which the fee was approved by the local board of trustees, consistent with this Subchapter.

- (d) Local Fees Charged to Students Attending More than one College: If a student enrolls for the same semester at two or more colleges of the system, the student shall pay local fees required by each institution, as prescribed by the colleges' local fee policies.
- (e) Annual Reporting Requirement. The college shall report all required local fees established by the board of trustees to the System Office on an annual basis as directed by the System Office.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 700.2 Student Activity Fees**

- (a) Student Activity Fee Rates. The local board of trustees is authorized to establish a fee charged to students to support student activities. The student activity fee shall not exceed \$35 per academic term. Student activity fees shall not be charged to individuals who participate only in meetings or seminars organized by the college. For the purposes of this Subchapter, "meeting or seminar" means a group of people gathered on a one-time basis primarily for discussion under the direction of a leader or resource person(s).
- (b) Use of Student Activity Fee Receipts: Colleges shall use student activity fee receipts to support the cost of providing student activities, excluding those activities listed in subsection (3) below.
  - (1) Permissible Activities: For the purposes of this section, "student activity" means an activity that is provided primarily for the benefit of students and whose participants are primarily students, excluding instruction for which students pay tuition and registration fees. Examples of student activities include the following:
    - (A) student centers;
    - (B) student government associations;
    - (C) student clubs;
    - (D) student enrichment and student social activities;
    - (E) student identification cards;
    - (F) student athletics;
    - (G) student health services; and

- (H) student accident insurance
- (2) Permissible expenses: In support of student activities, the college may use student activity fee receipts to support the following types of expenses:
  - (A) College personnel directly providing student activities, such as student government association staff, student activity coordinators, coaches, club sponsors, or club advisors;
  - (B) Stipends or scholarships to students who serve as officers of student organizations;
  - (C) Employee and student travel to student activities held at off-campus locations;
  - (D) Other purchased goods or services needed to conduct the student activity;
  - (E) Equipment, including vehicles, used directly for student activities;
  - (F) Capital improvement projects constructed for student activities, such as student centers, student lounges, and athletic facilities. If a capital improvement project serves multiple purposes, student activity fee receipts may be used to support capital expenditures in proportion to the square footage of the project dedicated to student activities.
- (3) Impermissible expenses: Colleges shall not use student activity fee receipts to support personnel and other operating costs related to college employees having positions that are the fiscal responsibility of the State or local governments and do not directly support student activities, including, but not limited to, academic advisors, counselors, recruiters, admissions staff, and security personnel. Colleges shall not use student activity fee receipts for capital improvements projects constructed for purposes other than student activities.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 700.3 Instructional Technology Fees**

- (a) Fee Rates. The local board of trustees is authorized to establish a fee charged to students to support student access to instructional technology. The instructional technology fee shall not exceed \$48 per academic term for curriculum students and \$5 per course for continuing education students. However, subject to the prior approval of the SBCC, local boards of

trustees have the authority to establish an instructional technology fee that exceeds the \$48 per academic term for curriculum students. Instructional technology fees shall not be charged to individuals who participate only in meetings or seminars.

- (b) Use of Fee Receipts. Instructional technology fee receipts shall be used to support costs of procuring, maintaining, and operating instructional technology, including both information technology (hardware and software) used primarily for instructional purposes and specialized instructional equipment necessary for hands-on instruction. Colleges are authorized to use instructional technology fee receipts to hire support positions to operate, maintain, and repair this technology, as well as buy the necessary supplies and materials for operations. Instructional technology fee receipts shall not be used to purchase computers and other technology used primarily by college employees, nor may instructional technology fee receipts be used to support positions that do not directly support this instructional technology.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

#### **1E SBCCC 700.4 College Access, Parking and Security (CAPS) Fees**

- (a) Fee Rates. The local board of trustees is authorized to establish a fee charged to students to use college parking facilities and college property.
- (b) Use of CAPS Fee Receipts. CAPS fee receipts shall only be used to support costs of acquiring, constructing, and maintaining the college's parking facilities, parking enforcement, and security of college property. Security costs include, but are not limited to, salaries, related benefits, and operating costs associated with security personnel; contracted security services; vehicles, equipment, and capital improvements necessary to secure college property.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

#### **1E SBCCC 700.5 Required Specific Fees**

- (a) Fee Rates. The local board of trustees is authorized to establish specific fees to support other required academic costs for consumable goods or services that are specifically required for a course. Such academic costs include, but are not limited to, tools, uniforms, insurance, certification/licensure fees, e-text, lab and other consumable supplies. The local board of trustees shall set specific fee rates based on the estimated cost of providing the good or service.
- (b) Use of Specific Fee Receipts. Specific fee receipts shall be used for the purposes for which they are charged. If specific fee receipts exceed expenditures for the purposes for which they are charged, the college must expend the excess receipts consistent with the provisions outlined in 1E SBCCC 700.7.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

#### **1E SBCCC 700.6 Other Fees**

- (a) The local board of trustees is authorized to establish other fees. “Other fees” means fees to support costs of goods or services provided by the college that are not required for enrollment. Examples include, but are not limited to, student health and other insurance fees, graduation fees, transcript fees, optional assessment fees, library/equipment replacement fees, and fees to participate in a specific event or activity. The local board of trustees shall set other fee rates based on the estimated cost of providing the good or service.
- (b) Use of Fee Receipts. Other fee receipts shall be used for the purposes for which they are charged. If other fee receipts exceed expenditures for the purposes for which they are charged, the college must expend the excess receipts consistent with the provisions outlined in 1E SBCCC 700.7.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

#### **1E SBCCC 700.7 Excess Fee Receipts**

If receipts collected through fees authorized by 1E SBCCC 600.3, 700.5 and 700.6 exceed expenditures on authorized purposes, the following provisions apply:

- (a) Excess receipts shall only be used for one or more of the following purposes: instruction, student support services, student financial aid (e.g. scholarships, grants, and loans), student refunds, student activities, curriculum development, program improvement, professional development, promotional giveaway items, instructional equipment, and capital improvements and acquisition of real property.
- (b) Excess receipts shall not be used for any of the following purposes: supplemental compensation or benefits of any personnel, administrative costs, entertainment expenses, and fundraising expenses.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

#### **1E SBCCC 700.98 Other Fees**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; S.L. 1979, Ch. 1300;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; September 1, 1988; August 17, 1981;*

*Repeal Eff. [May 16, 2014](#).*

#### **1E SBCCC 700.99 Authority to Establish Tuition and Fees**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981; January 14, 1980;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. August 1, 2004; July 1, 1998;*

*Repeal Eff. [May 16, 2014.](#)*

## **SUBCHAPTER 800. WAIVERS**

### **1E SBCCC 800.1 Definitions**

The following definitions apply to this subchapter:

- (a) “Tuition and Registration Fee Waiver” - A waiver that exempts an individual from paying curriculum tuition or continuing education registration fees that would otherwise be required to enroll in a course and deposited with the State Treasurer. The amount waived represents revenue foregone by the State. A tuition and registration fee waiver shall not be construed to mean inclusion of any other fees or charges (i.e. local fees, textbooks/supplies, and insurance) that are required for enrolling in a course or program. The amount charged to students who qualify as a resident for tuition purposes pursuant to G.S. 115D-39 and G.S. 116-143 is not a tuition waiver for the purposes of this Subchapter.
- (b) “Authorized Group or Organization” - A category of students or organizations that are authorized by law to be granted a tuition or registration fee waiver.
- (c) “Eligible Training” - Training that the State Board of Community Colleges has approved that is eligible to be waived for a specific authorized group, consistent with law.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014.](#)*

### **1E SBCCC 800.2 General Provisions**

- (a) Authority to waive. Colleges shall waive tuition and registration fees for eligible training provided to members of groups and organizations that are expressly authorized by law. The waiver of local fees shall be governed by local boards of trustees.
- (b) Admission Requirements. Persons in an authorized group or organization must meet the same admission requirements as students that are not in an authorized group to enroll in courses for which the student is eligible for a waiver.
- (c) Proof of Eligibility. To obtain a waiver, individuals must establish proof of eligibility as a member of an authorized group or organization. To be eligible for a tuition or registration fee

waiver, trainees enrolled in Basic Law Enforcement Training (BLET) courses must obtain a letter of sponsorship from a state, county, or municipal law enforcement agency prior to enrollment and uphold the terms of the sponsorship until completion of the BLET course. The college must maintain documentation of the sponsorship on file.

- (d) Reporting FTE: Unless otherwise prohibited by law, students eligible for an authorized waiver shall be counted in the computation of enrollment for funding purposes (BFTE) in a manner consistent with non-waived students, assuming all applicable reporting requirements are met.
- (e) Self-Supporting Courses: Community colleges shall not grant tuition and registration fee waivers to students enrolled in self-supporting courses. The community college shall charge the student the self-supporting fee or use institutional funds to pay for the self-supporting fee on the student's behalf.
- (f) Annual Reporting Requirement. As directed by the System Office, the college shall report the amount of tuition and registration fees waived by the college on behalf of individuals who are members of authorized groups or organizations on an annual basis to the System Office.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 800.97 Tuition and Fees for Curriculum Programs**

REPEALED by State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; P.L. 93-508; S.L. 1995, c. 625; S.L. 2010-31, s. 8.6;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; December 1, 1984;*

*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. June 1, 1994;*

*Temporary Amendment Eff. June 1, 1997;*



*Amended Eff. April 1, 2011; August 1, 2010; April 1, 2005; August 1, 2002;  
August 1, 1998;*  
*Repeal Eff. [May 16, 2014](#).*

### **1E SBCCC 800.98 Fees for Extension Programs**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;*

*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until  
the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. June 1, 1994;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998;*

*Repeal Eff. [May 16, 2014](#).*

### **1E SBCCC 800.99 Fee Waivers for the Human Resources Development Program**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; S.L. 2001, c.424, s.30.3(b) and (e);*

*Eff. February 1, 1976;*

*Amended Eff. August 17, 1981;*

*Temporary Amendment Eff. October 4, 2001;*

*Amended Eff. April 1, 2003.*

*Repeal Eff. [May 16, 2014](#).*

## **SUBCHAPTER 900. REFUNDS**

### **1E SBCCC 900.1 Curriculum Tuition Refunds**

(a) The following definitions apply to this provision:

- (1) “Academic period” – An academic term or subdivision of an academic term during which a college schedules a set of course sections.
  - (2) “Non-regularly scheduled course section” – A course section that meets the definition of “non-regularly scheduled course section” found in 1G SBCCC 200.93(c).
  - (3) “Off-cycle course section” – A regularly scheduled course section that is not offered consistent with an academic period.
  - (4) “Officially Withdraw” – The removal of a student from a course section by one of the following methods:
    - (A) The student notifies the authorized college official, as defined by the college’s published procedures for withdrawal, of the student’s intent to disenroll in a course section as outlined in the college’s published procedures for withdrawal; or
    - (B) The college removes the student from the course section because the college cancels the course section or for any other reason authorized by written college policy.
  - (5) “On-cycle course section” – A regularly scheduled course section that is offered consistent with an academic period.
  - (6) “Regularly scheduled course section” – A course section that meets the definition of “regularly scheduled course section” found in 1G SBCCC 200.93(b).
- (b) Unless otherwise required by law, community colleges shall not issue a tuition refund using State funds except under the following circumstances:
- (1) On-Cycle Course Sections:
    - (A) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college prior to the first day of the academic period as noted on the college calendar.
    - (B) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.
    - (C) After an on-cycle course section begins, a college shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on either of the following, as determined by local college policy and noted on the college calendar:
      - (i) The 10 percent point of the academic period, or
      - (ii) The 10 percent point of the course section.

(2) Off-Cycle Course Sections:

- (A) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college prior to the first day of the off-cycle course section.
- (B) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.
- (C) After an off-cycle course section begins, a college shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on the 10 percent point of the course section.

(3) Non-Regularly Scheduled Course Sections:

- (A) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college prior to the first day of the non-regularly scheduled course section.
- (B) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.
- (C) After a non-regularly scheduled course section begins, a college shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the non-regularly scheduled course section prior to or on the 10th calendar day after the start of the course section.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

**1E SBCCC 900.2 Continuing Education Registration Fee Refunds**

(a) The following definitions apply to this provision:

- (1) “Non-regularly scheduled course section” – A course section that meets the definition of “non-regularly scheduled course section” found in 1G SBCCC 200.94(b).
- (2) “Officially withdraw” – See definition in 1E SBCCC 900.1(4).
- (3) “Regularly scheduled course section” – A course section that meets the definition of “regularly scheduled course section” found in 1G SBCCC 200.94(a).

(b) Unless otherwise required by law, community colleges shall not issue a registration fee refund using State funds except under the following circumstances:

- (1) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to the first course section meeting.
- (2) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.
- (3) After a regularly scheduled course section begins, the college shall provide a 75 percent refund upon the request of the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on the 10 percent point of the scheduled hours of the course section. This sub-section applies to all course sections except those course sections that begin and end on the same calendar day. Colleges shall not provide a student a refund using State funds after the start of a course section that begins and ends on the same calendar day.
- (4) After a non-regularly scheduled course section begins, the college shall provide a 75 percent refund upon the request of the student if the student withdraws or is withdrawn by the college from the course section prior to or on the 10th calendar day after the start of the course section.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 900.3 Refund Due to Death of Student**

If a student, having paid the required tuition or registration fees for a course section, dies prior to completing that course section, all tuition and registration fees for that course section shall be refunded to the estate of the deceased upon the college becoming aware of the student's death.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 900.4 Military Refund**

- (a) Upon request of the student, each college shall:
- (1) Grant a full refund of tuition and registration fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations that make it impossible for them to complete their course requirements; and
  - (2) Buy back textbooks through the colleges' bookstore operations to the extent allowable under the college's buy back procedures.
- (b) Colleges shall use distance learning technologies and other educational methodologies, to the extent possible as determined by the college, to help active duty military students, under the guidance of faculty and administrative staff, complete their course requirements.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#);*

*[Amended Eff. September 1, 2014](#).*

### **1E SBCCC 900.5 Refund of Self-Supporting and Local Fees**

Local boards of trustees shall adopt local refund policies for self-supporting fees and local fees.

*History Note: Authority G.S. 115D-5; G.S. 115D-39;*

*Eff. [May 16, 2014](#).*

### **1E SBCCC 900.98 Tuition and Fees for Curriculum Programs**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; P.L. 93-508; S.L. 1995, c. 625; S.L. 2010-31, s. 8.6;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; December 1, 1984;*

*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. June 1, 1994;*

*Temporary Amendment Eff. June 1, 1997;*  
*Amended Eff. April 1, 2011; August 1, 2010; April 1, 2005; August 1, 2002;*  
*August 1, 1998;*  
*Repeal Eff. [May 16, 2014](#).*

### **1E SBCCC 900.99 Fees for Extension Programs**

REPEALED by the State Board of Community Colleges, eff. 16 May 2014.

*History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;*  
*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until*  
*the permanent rule becomes effective, whichever is sooner;*  
*Amended Eff. June 1, 1994;*  
*Temporary Amendment Eff. June 1, 1997;*  
*Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998;*  
*Repeal Eff. [May 16, 2014](#).*

## **CHAPTER F. STUDENT FINANCIAL ASSISTANCE**

### **100. FINANCIAL AID**

#### **1F SBCCC 100.97 STUDENT LOAN FUNDS FOR VOCATIONAL AND TECHNICAL EDUCATION**

- (a) The loan fund shall be held by the State Board and released by the System President of the Department of Community Colleges to meet loan commitments made by the various institutions.
- (b) The Department of Community Colleges shall disseminate information concerning the Student Loan Fund to all chief administrative officers of technical institutes and community colleges, hereinafter referred to as institutions. The Department of Community Colleges shall prepare news releases, brochures, and other publications interpreting the student loan program.
- (c) Applicants for the loans shall be furnished copies of the governing rules adopted by the board. Recipients of loans, by virtue of having complied with all the requirements for receiving

aid, shall thereby be acknowledging their agreement to abide by the purpose of the fund and the rules prescribed by the board. Each institution is responsible for administering the fund and for making and collecting the loans. Periodically, as determined by the System President of the Department of Community Colleges and the State Board, collections on the loans shall be transmitted to the State Board. The institution, through a student loan committee, shall be responsible for the selection of those candidates to be recipients of student loans.

(d) The System President of the Department of Community Colleges shall request institutions to furnish his office with appropriate enrollment verification that recipients of student loans are full-time students, and other necessary reports and information for proper records and control of total program.

(e) The State Board shall have authority to revoke any loan if and when it should be determined that:

- (1) The information submitted in support of the application was willfully reported erroneously or incompletely; or
- (2) The student is not pursuing his work satisfactorily.

(f) It shall be the responsibility of the loan recipients to keep the chief administrative officers of institutions informed of any change in address, status, or employment.

(g) Recipients of student loans may be granted financial assistance of not more than three hundred dollars (\$300.00) per academic school year. The number of loans shall be determined by the demand and the availability of funds.

(h) Recipients of student loans shall execute promissory notes on forms approved by the Attorney General. All student loans shall be evidenced by said notes, approved by and made payable to the institution granting the loan, which shall bear interest at the rate of three and one-half percent per annum. Repayment of such principal together with accrued interest thereon, shall be made over a minimum of five-year repayment period, commencing one year after the maker of the note ceases to be a full-time student in an institution and ending six years after such date. Interest shall accrue from the beginning of such repayment period. In the event the loan recipient acquires a disability as defined in the North Carolina Workers' Compensation Act, or dies, the unpaid indebtedness shall be canceled. In the event a loan recipient fails to maintain a "c" average or permanently withdraws from the institution, the entire indebtedness shall become due payable, with interest commencing on that date.

(i) Each candidate for a loan must:

- (1) be a resident of North Carolina and be or expect to be a full-time student of the approved institution as defined by the State Department of Community Colleges;
- (2) declare that he is in need of financial aid to continue his studies as evidenced by information on furnished forms;
- (3) apply on forms provided by the State Department of Community Colleges;
- (4) be approved by the institution student loan committee;
- (5) use the proceeds of the loan only for the payment of tuition and required fees, institutional equipment, materials, and books, board and room, and similar living expenses.

(j) Applications shall be submitted to the chief administrative officers of institutions on forms prescribed and supplied by the System President of the Department of Community Colleges. Additional forms essential to the operation of the Student Loan Fund may be developed in the discretion of the System President of the Department of Community Colleges.

*History Note: Authority G.S. 115D-1; 115D-5;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. March 1, 1997; December 1, 1984.*

## **1F SBCCC 100.98 COMMUNITY COLLEGE GRANT PROGRAM**

Reserved for Future Codification

## **1F SBCCC 100.99 TARGETED ASSISTANCE/LESS THAN HALF TIME**

Reserved for Future Codification

## **CHAPTER G. FULL-TIME EQUIVALENT (FTE)**

### **SUBCHAPTER 100. OPERATIONAL POLICIES**

#### **100. OPERATIONAL POLICIES**



## **1G SBCCC 100.1 DEFINITIONS**

The following terms shall have the following meanings throughout this Title unless the context of a specific rule requires a different interpretation:

### **(1) Credit Hours:**

- (a) Credit of one semester hour is awarded for each 16 hours of "class work." Class work is lecture and other classroom instruction. Class work is under the supervision of an instructor.
- (b) Credit of one semester hour is awarded for each 32 hours of "experiential laboratory work." Experiential laboratory work means instruction given to a student by an instructor to increase the student's knowledge and skills without immediate student application.
- (c) Credit of one semester hour is awarded for each 48 hours of "faculty directed laboratory work." Faculty directed laboratory involves structured and coordinated demonstration by an instructor with immediate student application.
- (d) Credit of one semester hour is awarded for each 48 hours of "clinical practice." Clinical practice is a structured, faculty-directed learning experience in a health sciences program which develops job proficiency. Clinical practice requires significant preparation, coordination, and scheduling by the faculty and is under the supervision of an instructor or preceptor who is qualified for the particular program.
- (e) Credit of one semester hour is awarded for each 160 hours of "work experience" such as cooperative education, practicums, and internships. Work experience involves the development of job skills by providing the student with employment that is directly related to, and coordinated with, the educational program. Student activity in work experience is planned and coordinated by a college representative, and the employer is responsible for the control and supervision of the student on the job.

(2) Full-time Student means a student enrolled in 12 or more credit hours. For the summer session, Full-time Student means a student enrolled in nine or more credit hours.

- (3) Part-time Student means a student enrolled in less than 12 credit hours.
- (4) FTE means one full-time equivalent (FTE) student or 256 student membership hours per semester (based on a typical semester of 16 weeks x 16 student membership hours per week).
- (5) Student Membership Hour means one hour of scheduled class or laboratory for which the student is enrolled. A college shall provide a minimum of 50 minutes of instruction for each scheduled class hour.
- (6) Annual Curriculum FTE means the total of the student hours in membership for fall and spring semesters divided by 512 (256 student hours per semester x 2).
- (7) Annual Continuing Education (non-credit) FTE means the total of the student hours in membership for the three reporting periods divided by 688 (based on two typical semesters of 16 weeks and a typical summer term of 11 weeks). The three reporting periods are fall semester, spring semester, and the summer term.
- (8) Budget Full-time Equivalent (B/FTE). B/FTE means the number of FTE which determines a college's operating budget.
- (9) College means any institution established pursuant to G.S. 115D except for the N. C. Center for Textile Technology.

*History Note: Authority G.S. 115D-5; 115D-54; S.L. 1995, c. 625;*

*Eff. September 1, 1993;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. December 1, 2012; July 1, 1998.*

## **1G SBCCC 100.98 RESERVED FOR FUTURE CODIFICATION**

### **1G SBCCC 100.99 BUDGET FTE FUNDING**

(a) All student membership hours generated by the college for a given class shall be counted for budget FTE purposes provided 100 percent of the instructional cost is paid from college funds (funds budgeted through the college's budget including State Current, County Current, or College Funds). These provisions apply to all instructional contracts which generate budget FTE including Basic Skills classes. For purpose of this Rule, instructional cost includes the salary of

the instructor(s) as well as fringe benefits, supplies, materials, and travel paid from college funds. College-sponsored instruction shall not supplant existing training which may take place without the college's involvement. Following are Rule applications:

(1) A company or entity may reimburse the college for a given class up to 50 percent of the instructional cost. The student hours in membership generated in the class may be reported for budget FTE. If the college is reimbursed for more than 50 percent of the instructional cost for a given class, student hours in membership reported for the class shall be prorated in the same proportion as the college funding. If the college is reimbursed for 100 percent of the instructional cost, the class would be gratis [see Paragraph (b) of this Rule] and no budget FTE would be generated.

(2) In cases where a company or entity donates funds to a college with no expectation for instruction in return, these funds shall be treated as college funds and may be used to generate budget FTE.

(3) The community college shall not contract with a company or entity to provide training to its current employees.

(b) Any class for which the instructor's services are provided at no cost or for which the instructional cost is paid totally and directly by an external agency is a "gratis" class. In this situation, the class is reported as self-supporting, and does not generate budget/FTE. If a portion of the class is gratis, student hours shall be prorated accordingly.

(c) Categorical state allotments to colleges, except literacy and Human Resources Development, such as Small Business, Customized Training Programs, Community Service, and Block Grants do not earn budget/FTE and are not subject to the provisions of this Rule.

*History Note: Authority G.S. 115D-5; 115D-31; 115D-58.5; S.L. 2001, c. 424, s. 30.3(b),(e);*

*Eff. September 1, 1988;*

*Temporary Amendment Eff. October 15, 1992 for a period of 180 days to expire on April 15, 1993;*

*Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. June 1, 1994; September 1, 1993;*

*Temporary Amendment Eff. October 4, 2001;*

*Amended Eff. December 1, 2012;; May 1, 2009; April 1, 2003.*

**200. FTE REPORTING CATEGORIES/CRITERIA**  
**1G SBCCC 200.93 REPORTING OF STUDENT HOURS IN MEMBERSHIP FOR**  
**CURRICULUM CLASSES**

(a) Academic Semester. The academic semester for all credit courses shall be designed so that all classes may be scheduled to include the number of instructional hours shown in the college catalog and the approved curriculum program of study compliance document and reported for FTE purposes (see 1D SBCCC 400.95(a) and 1H SBCCC 200.87(a)(3)). Instructional hours include scheduled class and laboratory sessions as well as examination sessions. Length of semesters or courses may vary as long as credit hours are assigned consistent with 1G SBCCC 100.1 and as long as membership hours are reported consistent with the other provisions of this Rule. Also, note 1G SBCCC 200.99 which identifies the reporting periods for submission of Institution Class Reports.

(b) Regularly Scheduled Classes.

(1) A class is regularly scheduled if it meets all of the following criteria:

(A) assigned definite beginning and ending time;

(B) specific days the class meets is predetermined;

(C) specific schedule is included on the Institution Master Schedule or other official college documents;

(D) class hours are assigned consistent with college catalog and curriculum standard requirements; and

(E) identified class time and dates are the same for all students registered for the class excluding clinical or cooperative work experience;

(i) Classes which have a regularly scheduled lecture section and a non regularly scheduled laboratory section shall satisfy this criteria. The census date (10% point) shall be determined from the regularly scheduled portion of the class. Verification of student participation in the laboratory section of the class shall be available for review.

(ii) A student shall be considered absent if that student did not attend during the specified times or days the class was scheduled to meet.

(2) A student shall be considered to be in class membership when the student meets all of the following criteria:

(A) enrolled as evidenced by payment of the applicable tuition and fees, or obtained a waiver as defined in G.S. 115D 5(b);

(B) attended one or more classes prior to or on the 10 percent point in the class;

(C) has not withdrawn or dropped the class prior to or on the 10 percent point.

(3) Definition of a Student Membership Hour. A student membership hour is one hour of scheduled class or laboratory for which the student is enrolled. A college shall provide a minimum of 50 minutes of instruction for each scheduled class hour. A college shall provide sufficient time between classes to accommodate students changing classes. A college shall not report more hours per student than the number of class hours scheduled in the approved curriculum program of study compliance document.

(4) Calculation of Student Membership Hours for Regularly Scheduled Classes. Student membership hours are obtained by multiplying the number of students in membership at the 10 percent point in the class by the total number of hours the class is scheduled to meet for the semester as stated in the college catalog and the approved curriculum program of study compliance document (see 1D SBCCC 400.97(4)).

(5) Maintenance of Records of Student Membership Hours. Accurate attendance records shall be maintained for each class through the 10 percent point of the class. Attendance records shall be signed by the instructor or lead instructor, verifying their accuracy, and shall be maintained by the college until released from all audits (see the Public Records Retention & Disposition Schedule for Institutions in the Community College System). Student membership hours shall be summarized in the Institution's Class Report and certified by the president or designee. For classes identified as non traditional delivery (see Subparagraph (e)(1) of this Rule), documentation of student contact prior to the 10 percent point shall be maintained in the same manner as the attendance records mentioned in this Rule.

(c) Non Regularly Scheduled Classes.

(1) A non regularly scheduled class may include any or all of the following:

(A) a class where a definitive beginning and ending time is not determined;

(B) a class offered in a learning laboratory type setting (see 1G SBCCC 200.94(b)(6) for definition of learning laboratory);

(C) a class self paced in that the student progresses through the instructional materials at the student's own pace, and can complete the class as soon as the student has successfully met the educational objectives. Classes offered as independent study are generally offered in this manner;

(D) a class in which a student may enroll during the initial college registration period or in which the student may be permitted to enroll at any time during the semester; or

(E) any class not meeting all criteria for a regularly scheduled class, as shown in Subparagraph (b)(1) of this Rule, is considered to be a non regularly scheduled class for reporting purposes. Classes defined as non traditional (see Paragraph (e) of this Rule) which are identified as a separate student hour reporting category are not subject to the above provisions in Paragraph (c).

(2) Definition of Student Membership. A student is considered to be in class membership when the student meets the following criteria:

(A) enrolled as evidenced by payment of the applicable tuition and fees, or obtained a waiver as defined in 1E SBCCC 800.97(a); and

(B) attended one or more classes.

(3) Definition of a Student Contact Hour. For non-regularly scheduled classes, student contact hour is defined as actual time of student attendance in a class or lab. 60 minutes shall constitute an hour. A college shall not report more hours per student than the number of class hours scheduled in the approved curriculum program of study compliance document.

(4) Calculation of Student Contact Hours for Non Regularly Scheduled Classes. For these classes, actual time of class attendance for each student determined to be in membership shall be reported. Student contact hours for these classes are the sum of all the hours of actual student attendance in a class in a given semester, and shall not exceed

the hours in the approved curriculum program of study compliance document. (see 1D SBCCC 400.97(4)).

(5) Maintenance of Records of Student Contact Hours. Accurate attendance records shall be maintained for each class of the nature described in this Rule through the entire semester. Attendance records shall be signed by the instructor or lead instructor, verifying their accuracy, and shall be maintained by the college until released from all audits (see the Public Records Retention & Disposition Schedule for Institutions in the Community College System). Student contact hours shall be summarized in the Institution's Class Report and certified by the president or designee.

(d) Skills Laboratory or Computer Tutorial Laboratory. Individualized instructional laboratories are similar to learning laboratories (see 1G SBCCC 200.94(b)(6)) except the participants are curriculum students. Skills labs or computer tutorial labs are remedial or developmental in nature and intended for students who are experiencing academic difficulty in a particular curriculum course. A skills laboratory instructor shall be qualified in the single subject area of the skills laboratory. A computer tutorial laboratory coordinator need not be qualified in any of the subject area(s) provided in a computer tutorial laboratory. Student contact hours may be reported for budget/FTE when students are required by their instructor to attend either of the laboratories for remedial or developmental work and when the skills laboratory instructors or computer tutorial coordinators are paid with curriculum instructional funds.

(1) Documentation of instructor referral shall be maintained for auditing purposes. Maintain documentation until released by audit.

(2) Homework assignments shall not be reported for budget/FTE. (See 1G SBCCC 200.95(a)).

(3) Calculation of Student Contact Hours for Skills Laboratory or Computer Tutorial Laboratory. For these classes, actual time of class attendance shall be reported; 60 minutes shall constitute an hour. Student hours generated for these types of classes are the sum of all the hours of actual student attendance in a class in a given semester.

(e) Classes Identified as Curriculum Non Traditional Delivery.

(1) Definition. Due to the methodology by which instruction is delivered, non traditional delivery classes are not consistent with the definitions of regularly scheduled or non regularly scheduled classes described in this Rule. Non traditional delivery classes are

defined as those classes which are offered through media such as internet, telecourses, videocassette and other electronic media excluding classes offered via the North Carolina Information Highway.

(2) For those classes identified as non traditional delivery, student attendance in class or in an orientation session, submission of a written assignment or submission of an examination, is the basis for the determination of class membership at the 10 percent point of the class. Student membership hours earned in non traditional delivery classes shall be calculated by multiplying the number of students in membership, as defined in the prior sentence, times the number of hours assigned to the class in official college documents. For these classes, the number of hours assigned shall be consistent with the credit hours assigned according to 1G SBCCC 100.1, as well as the curriculum standard.

(3) Non-traditional instruction delivered is pre-structured into identifiable units. Non traditional delivery classes do not include classes identified as independent study which are not media based.

(f) Curriculum Student Work Experience and Clinical Practice. The following criteria apply to the reporting guidelines for students enrolled in curriculum work experience and clinical practice courses, exclusive of work station based training. Examples of student work experience include cooperative education, practicums, and internships. Clinical practice refers to work experience in health occupation programs.

(1) Student membership hours for student work experience and clinical practice shall not generate budget/FTE without prior approval by the System Office for such activities through the appropriate curriculum standard.

(2) Work Experience. Work experience for curriculum courses shall earn budget/FTE at the 100 percent rate of assigned work experience hours and shall not exceed a maximum of 320 membership hours per student per semester.

(A) These classes shall be coordinated by college personnel paid with college instructional funds and may be located in one or more sites.

(B) These classes shall be specified in the approved curriculum of the college consistent with the applicable curriculum standard (see 1D SBCCC 400.97(3)(a)(ii)(D)).



(C) The college shall maintain documentation of all student work experience hours.

(3) Clinical Practice. Curriculum clinical practice, as defined in 1G SBCCC 100.1, refers to clinical experience in health occupation programs which shall earn budget/FTE at the 100 percent rate for student membership hours. These classes shall be consistent with the curriculum standards set forth in 1D SBCCC 400.97. The maximum membership hours in a clinical experience which may be reported per student in a given semester is 640. These classes shall be supervised by college instructors who are qualified to teach in the particular program and are paid with college instructional funds. These classes may be located in one or more sites.

*History Note: Authority G.S. 115D-5; S.L. 1995, c. 625;*

*Eff. September 30, 1977;*

*Amended Eff. July 24, 1978;*

*Emergency Amendment Eff. August 10, 1978 for a period of 120 days to expire on December 8, 1978;*

*Emergency Amendment Made Permanent With Change Eff. December 8, 1978;*

*Amended Eff. September 1, 1993; September 1, 1988; September 1, 1985; November 1, 1983;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. December 1, 2012; August 1, 2004; August 1, 2000; July 1, 1998.*

#### **1G SBCCC 200.94 REPORTING OF STUDENT HOURS IN MEMBERSHIP FOR CONTINUING EDUCATION CLASSES**

(a) Regularly Scheduled Classes.

(1) Definition of Regularly Scheduled Class. A class is considered to be regularly scheduled if it meets all of the following criteria:

(A) Assigned definite beginning and ending time;

(B) Specific predetermined days and time the class meets;

(C) Specific schedule is included on the Institution Master Schedule or other official college documents;

- (D) Class hours are assigned consistent with State Board approval and official college documents; and
  - (E) Identified class time and dates are the same for all students registered for the class excluding clinical or work experience:
    - (i) Classes which have a regularly scheduled lecture section and a non-regularly scheduled laboratory section will satisfy the criteria. The census date (10% point) shall be determined from the regularly scheduled portion of the class. Verification of student participation in the laboratory section of the class shall be available for review; or
    - (ii) A student is considered absent if that student did not attend during the specified times or days the class was scheduled to meet.
- (2) Definition of Student Membership. A student is considered to be in class membership when the student meets all of the following criteria:
- (A) Enrolled as evidenced by payment of the applicable registration fees, or obtained a waiver as defined in Paragraph (a) of Rule 1E SBCCC 400.99.
  - (B) Attended one or more classes held prior to or on the 10 percent point in the class; and
  - (C) Has not withdrawn or dropped the class prior to or on the 10 percent point of the class.
- (3) Student Membership Hour. A student membership hour is one hour of scheduled class or laboratory for which the student is enrolled. A college shall provide a minimum of 50 minutes of instruction for each scheduled class hour. A college shall not report more hours per student than the number of class hours scheduled in official college documents. Colleges shall not report more hours per student than the number of hours specified in the instructor's contract.
- (4) Calculation of Student Membership Hours for Regularly Scheduled Classes. Student membership hours are obtained by multiplying the number of students in membership at the 10 percent point in the class by the total number of hours the class is scheduled to meet as stated in official college documents.

- (5) Maintenance of Records of Student Membership Hours. Accurate attendance records shall be maintained for each class. Attendance records shall be signed by the instructor or lead instructor, verifying their accuracy, and shall be maintained by the college until released from all audits as provided in the Public Records Retention & Disposition Schedule for Institutions in the Community College System. Student membership hours shall be summarized in the Institution's Class Report and certified by the president or designee.

(b) Non-Regularly Scheduled Classes.

- (1) Definition of Non-Regularly Scheduled Class. A non-regularly scheduled class may include any or all of the following:
  - (A) A class where a definitive beginning and ending time is not determined;
  - (B) A class offered in a learning laboratory type setting (see Subparagraph (b)(6) of this Rule for definition of learning laboratory);
  - (C) A self-paced class where the student progresses through the instructional materials at the student's own pace, and can complete the courses as soon as the student has successfully met the educational objectives. Classes offered as independent study are generally offered in this manner;
  - (D) A class in which a student may enroll during the initial college registration period or in which a student may be permitted to enroll at any time during the semester; or
  - (E) Any class not meeting all criteria for a regularly scheduled class as shown in Subparagraph (a)(1) of this Rule, is considered to be a non-regularly scheduled class for reporting purposes. Note classes defined as non-traditional (see Paragraph (c) of this Rule) which are identified as a separate student hour reporting category are not subject to the provisions in Paragraph (b) of this Rule.
- (2) Definition of Student Membership. A student is considered to be in class membership when the student meets the following criteria:
  - (A) Enrolled as evidenced by payment of the applicable registration fees, or obtained a waiver as defined in Paragraph (a) of Rule 1E SBCCC 400.99; and

- (B) Attended one or more classes.
  - (3) Definition of Student Contact Hour. A student contact hour is one hour of student attendance in a class for which the student is in membership as defined in Subparagraph (b)(2) of this Rule. Sixty minutes shall constitute an hour.
  - (4) Calculation of Student Contact Hours for Non-Regularly Scheduled Classes. For these classes, actual time of class attendance for each student determined to be in membership shall be reported. Sixty minutes shall constitute an hour. Student contact hours for these classes are the sum of all the hours of actual student attendance in a class in a given semester.
  - (5) Maintenance of Records of Student Contact Hours. Accurate attendance records shall be maintained for each class. Attendance records shall be signed by the instructor or lead instructor, verifying their accuracy, and shall be maintained by the college until released from all audits as provided in the Public Records Retention and Disposition Schedule for Institutions in the Community College System. Student membership hours shall be summarized in the Institution Class Report and certified by the president or designee.
  - (6) Learning Laboratory. Learning laboratory programs consist of self-instruction using programmed text, audio-visual equipment, and other self-instructional materials. A learning laboratory coordinator has the function of bringing the instructional media and the student together on the basis of objective and subjective evaluation and of counseling, supervising, and encouraging persons working in the laboratory. Contact hours shall be calculated as noted in Subparagraph (b)(4) of this Rule.
- (c) Classes Identified as Extension Non-Traditional Delivery.
- (1) Definition. Due to the methodology by which instruction is delivered, non-traditional delivery classes are not consistent with the definitions of regularly scheduled or non-regularly scheduled classes described in this Rule. Non-traditional delivery classes are defined as those classes which are offered through media such as internet, telecourses, videocassette, and other electronic media excluding classes offered via the North Carolina Information Highway.

(2) For those classes identified as non-traditional delivery, student attendance in class or in an orientation session, submission of a written assignment or a submission of examination is the basis for the determination of class membership at the 10 percent point of the class. Student membership hours in such classes shall be calculated by multiplying the number of students in membership, as defined in the prior sentence, times the number of instructional hours delivered which are determined as follows:

- (A) Determine the number of hours of instruction delivered via non-traditional delivery; and
- (B) Add the number of hours of class meetings.

(d) Extension Student Work Experience and Clinical Practice. The following criteria apply to the reporting guidelines for students enrolled in extension work experience and clinical practice courses, exclusive of work station based training. To be eligible for approval, these work experience or clinical practice courses shall be required by a licensing agency or accrediting body. Examples of student work experience include cooperative education, practicums, and internships.

- (1) Student membership hours for student work experience and clinical practice shall not generate budget FTE without prior approval of such activities by the System Office. When the number of approved student work experience membership hours increases by more than 30 percent per course, a new request for approval shall be submitted.
- (2) Work Experience. Work experience for extension courses shall earn budget/FTE at the 100 percent rate for student membership hours, as required by a licensing agency or accrediting body. These classes shall be coordinated by college personnel paid with college instructional funds and may be located in one or more sites.
- (3) Clinical Practice. Clinical practice, as defined in 1G SBCCC 100.1, refers to clinical experience in health occupation courses which shall earn budget/FTE at the 100 percent rate for student membership hours, as defined in Subparagraph (a)(3) of this Rule, and shall not exceed a licensing agency or accrediting body requirements. These classes shall be supervised by college instructors who are

qualified to teach in the particular program and who are paid with college instructional funds. These classes may be located in one or more sites.

(e) The Adult High School Diploma work experience shall not exceed 160 hours per student.

*History Note: Authority G.S. 115D-5; S.L. 1995, c. 625;*

*Eff. September 1, 1988;*

*Amended Eff. September 1, 1993;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. December 1, 2012; August 1, 2004; August 1, 2000; July 1, 1998.*

### **1G SBCCC 200.95 Limitations in Reporting Student Membership Hours**

(a) Student hours shall not be reported for budget/FTE which result from:

(1) Conferences or visits.

(2) Seminars or Meetings.

(3) Programs of a service nature rather than instructional classes.

(4) Enrollment of high school students not in compliance with 1D SBCCC 400.2 and 1D SBCCC 200.95.

(5) Unsupervised classes.

(6) Proficiency or challenge exams except that the actual time required to take the exam may be counted in membership; students shall be registered in the class consistent with Paragraph (a) of Rules 1E SBCCC 300.99 and 1E SBCCC 900.99.

(7) Homework assignments.

(8) Inter-institutional or intramural sports activities including those of prison inmates.

(b) Self-supporting classes shall not be reported for regular budget purposes (those classes supported by student fees or a class in which instruction is provided gratis); all recreational extension classes fall in this category.

(c) Occupational extension instruction shall not be offered in sheltered workshops and adult developmental activity centers (ADAP) except sheltered workshops and ADAP centers may contract with the community college to provide occupational extension courses on a self-supporting basis.

- (d) Educational programs offered in a correctional department setting shall report full-time equivalent (FTE) student hours on the basis of contact hours.

*History Note: Authority G.S. 115D-5;*

*Eff. September 1, 1988;*

*Temporary Amendment Eff. October 15, 1992, for a period of 180 days to expire on April 15, 1993;*

*Amended Eff. September 1, 1993;*

*Temporary Amendment Eff. November 1, 1993, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*

*Amended Eff. [February 1, 2015](#); December 1, 2012; April 1, 2010; June 1, 2008; April 1, 1997; June 1, 1994.*

## **1G SBCCC 200.96 TRAINING FOR PUBLIC SAFETY AGENCIES**

### **(a) Training for Public Law Enforcement Agencies.**

- (1) When a college is an accredited and designated direct delivery agency for initial certification training for public law enforcement agencies and funds 50% or greater of the instructional cost and the school director's salary, the college shall report the hours generated from the instruction for full budget FTE when the training is delivered in accordance with all other budget FTE and program requirements. For the purposes of this Subparagraph, the college shall supervise the school director and instructors. The college must also maintain full authority and control over the curriculum. Enrollment for any training course shall be open to all students who satisfy any course prerequisites, and who meet the requirements for admission of trainees imposed by the NC Criminal Justice Education and Training Standards Commission in 12 NCAC 09B .0203. Enrollment shall not be limited or restricted to the members, employees, associates, or trainees of any direct delivery agent or agents unless required by the NC Criminal Justice Education and Training Standards Commission.
- (2) When a public law enforcement agency external to a college is the accredited and designated direct delivery agency for initial certification training, the college may

deliver a maximum of 25% of the total program hours and shall receive full budget FTE for the hours generated. A college shall not receive any state funds for hours generated above 25% of the total program hours.

(A) A college shall provide initial certification law enforcement training for an accredited and designated direct delivery public law enforcement agency under a written agreement. The agreement shall:

- (i) confirm that the public law enforcement agency does not have the funds to provide the training;
- (ii) designate the source of funds for the training;
- (iii) list the courses to be taught;
- (iv) state the total hours of instruction to be delivered; and
- (v) be signed by the president or the president's designee, and the senior official of the public law enforcement agency.

(B) The college shall receive full budget FTE for hours generated when the training is delivered in accordance with this agreement and all other budget FTE and program requirements. The college shall maintain a copy of the agreement on file until released from audit.

(3) A college may deliver in-service training for designated direct delivery public law enforcement agencies beyond the initial certification training and receive full budget FTE for hours generated when the training is delivered in accordance with all other budget FTE and program requirements. A college providing in-service training for public law enforcement agencies is not subject to subparagraph (a)(1) or (a)(2) of this Rule.

(b) Training for Public Fire and Rescue Agencies.

(1) When a college is a designated direct delivery agency for initial certification training for public fire and rescue services agencies and funds 50% or greater of the instructional cost, the college shall report hours generated from instruction for full budget FTE when the training is offered in accordance with all other budget FTE and program requirements. For the purposes of this Subparagraph, the college shall supervise the school director and instructors. The college must also maintain full authority and control over the curriculum. Enrollment for any



training course shall be open to all students who satisfy any course prerequisites. Enrollment shall not be limited or restricted to the members, employees, associates, or trainees of any direct delivery agent or agents.

(2) When a public fire and rescue agency external to a college is the designated direct delivery agency for initial certification training, the college may deliver a maximum of 25% of the total program hours and shall receive full budget FTE for the hours generated. A college shall not receive any state funds for hours generated above 25% of the total program hours.

(A) A college shall provide initial fire and rescue training for a designated direct delivery public fire and rescue agency under a written agreement.

The agreement shall:

- (i) confirm that the public fire and rescue agency does not have the funds to provide the training;
- (ii) designate the source of funds for the training;
- (iii) list the courses to be taught;
- (iv) state the total hours of instruction to be delivered; and
- (v) be signed by the president or the president's designee, and the senior official of the public fire and rescue agency.

(B) The college shall receive full budget FTE for hours generated when the training is delivered in accordance with this agreement and all other budget FTE and program requirements. The college shall maintain a copy of the agreement on file until released from audit.

(3) A college may deliver in-service training for public designated direct delivery fire and rescue agencies beyond the initial certification training and receive full budget FTE for hours generated when the training is delivered in accordance with all other budgetary FTE and program requirements. A college providing in-service training for public fire and rescue agencies is not subject to subparagraph (b)(1) or (b)(2) of this Rule.

(c) Training for Emergency Medical Services Agencies.

(1) When a college is a designated direct delivery agency for initial certification training for public emergency medical services training and funds 50% or greater

of the instructional costs, the college shall report hours generated from instruction for full budget FTE when the training is offered in accordance with all other budget FTE and program requirements. For the purposes of this Subparagraph, the college shall supervise the school director and instructors. The college must also maintain full authority and control over the curriculum. Enrollment for any training course shall be open to all students who satisfy any course prerequisites. Enrollment shall not be limited or restricted to the members, employees, associates, or trainees of any direct delivery agent or agents.

- (2) When a public emergency medical services agency external to a college is the designated direct delivery agency for initial certification training, the college may deliver a maximum of 25% of the total program hours and shall receive full budget FTE for the hours generated. A college shall not receive any state funds for hours generated above 25% of the total program hours.
  - (A) A college shall provide initial emergency medical services training for a direct delivery public emergency medical services agency under a written agreement. The agreement shall:
    - (i) confirm that the public emergency medical services agency does not have the funds to provide the training;
    - (ii) designate the source of funds for the training;
    - (iii) list the courses to be taught;
    - (iv) state the total hours of instruction to be delivered; and
    - (v) be signed by the president or the president's designee, and the senior official of the emergency medical services agencies.
  - (B) The college shall receive full budget FTE for hours generated when the training is delivered in accordance with this agreement and all other budget FTE and program requirements. The college shall maintain a copy of the agreement on file until released from audit.
- (3) A college may deliver in-service training for designated direct delivery public emergency medical services agencies beyond the initial certification training and receive full budget FTE for hours generated when the training is delivered in accordance with all other budgetary FTE and program requirements. A college

providing in-service training for public emergency medical services agencies is not subject to subparagraphs (c)(1) or (c)(2) of this Rule.

*History Note: Authority G.S. 115D-5;*  
*Eff. August 1, 2004;*  
*Amended Eff. June 1, 2008.*

### **1G SBCCC 200.97 HUMAN RESOURCES DEVELOPMENT PROGRAM CONTINUATION**

Each college shall operate a Human Resources Development (HRD) program to provide assessment services, employability training, and career development counseling to unemployed and underemployed individuals. FTE shall be generated from HRD programs. Each college shall provide HRD instruction and support necessary for unemployed and dislocated workers to be served within the college service areas.

*History Note: Authority G.S. 115D-5;*  
*Eff. November 1, 2005.*

### **1G SBCCC 200.98 CUSTOMIZED TRAINING PROGRAM**

(a) Local colleges shall provide customized training programs for companies experiencing job growth, productivity enhancement needs, or creating technology investment to support the economic development of the State. Training programs for these companies shall be administered by the local college, with consultation and assistance from the department's System Office Economic Development staff.

(b) State funds are appropriated to the North Carolina Community College System office in a separate line to support the Customized Training Program. These funds shall be used only to support companies experiencing job growth, productivity enhancement or technology investment.

*History Note: Authority G.S. 115D-5;*  
*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. July 1, 2009; September 1, 1993; December 1, 1984.*

**1G SBCCC 200.99 REPORTING STUDENT MEMBERSHIP HOURS TO THE  
DEPARTMENT**

(a) Curriculum and extension college class reports summarizing student membership hours shall be submitted to the Department during each student membership hour reporting period defined in this Paragraph.

(1) The three student membership hour reporting periods are as follows:

(A) Period 1 - (Spring Period): January 1 - May 15;

(B) Period 2 - (Summer Period): May 16 - August 14;

(C) Period 3 - (Fall Period): August 15 - December 31.

(2) College class reports for all regular budget curriculum and extension classes shall be submitted 21 calendar days after the conclusion of each student reporting period defined in Subparagraph (a)(1) of this Rule. Note the following schedule concerning application of the designated periods:

(A) all reports received by June 5 shall be designated Period 1;

(B) all reports received by September 4 shall be designated Period 2; and

(C) all reports received by January 21 shall be designated Period 3.

(b) For learning laboratories, skills laboratories, multi-entry, multi-exit and other non-regularly scheduled classes where actual student time in class is determined, student contact hours shall be calculated on the last day of each respective student membership hour reporting period for a given class and submitted to the Department according to Subparagraphs (a)(1) and (a)(2) of this Rule. Also, note Paragraphs (b) and (c) of Rule 1G SBCCC 200.93 and Paragraphs (a) and (b) of Rule 200.94 regarding calculation of student membership hours.

(c) College class reports for non-regular budget extension classes such as customized training for job growth, productivity enhancement, or technology investment, HRD, JTPA, self-supporting, and recreational shall also be submitted to the System Office in accordance with Subparagraphs (a)(1) and (a)(2) of this Rule.

*History Note: Authority G.S. 115D-5; 115D-31; 115D-58.5; S.L. 1995, c. 625;*

*Eff. September 1, 1988;*  
*Temporary Amendment Eff. June 1, 1997;*  
*Amended Eff. May 1, 2009; July 1, 1998.*

## **CHAPTER H. FISCAL MANAGEMENT**

### **100. DEFINITIONS**

#### **1H SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION**

### **200. STATE FUNDS**

#### **1H SBCCC 200.86 WITHHOLDING OF STATE FUNDS OR ADMINISTRATIVE SUPPORT**

(a) Institutions shall be operated in compliance with G.S. 115D and all rules in this Title. In order for an institution to continue receiving state financial and administrative support, the institution shall:

- (1) Maintain accreditation with the Southern Association of Colleges and Schools and acquire and maintain accreditation or licenses for each program offered which has an individual accreditation or licensure requirement in accordance with G.S. 115D-4.1 and 1B SBCCC 400.96.
- (2) Employ faculty, assign teaching and non-teaching loads, and provide technical assistance to faculty consistent with the criteria of the Southern Association of Colleges and Schools in accordance with 1C SBCCC 300.97; 1D SBCCC 200.93; 300.94; and 400.93.
- (3) Submit required data to the System Office on each of the 12 performance measures and publish the ratings on each measure in accordance with G.S. 115D-31.3 and 1B SBCCC 400.98.
- (4) Complete and submit to the System Office all reports conditioned upon receipt of federal funds in accordance with the North Carolina Community College System Annual Reporting Plan.

- (5) Manage institutional operations and resources consistent with program and revenue audit policies. An institution that receives four program or revenue audit exceptions per year for two consecutive years shall be in violation of this Rule.
- (6) Report the damage, theft, embezzlement, or misuse of any state-owned personal or real property by institutional officials or employees to the Director of the State Bureau of Investigation in accordance with G.S.114-15.1.
- (7) Adopt and publish personnel policies addressing the issues listed in Rule 1C SBCCC 200.94, and submit them to the System President's office.
- (8) Terminate employment of institutional officials or employees for participation in activities involving moral turpitude.
- (9) Comply with any request for information, documents, or any other request of the State Board.

(b) The State Board may withhold funds for the president's salary or terminate state financial and administrative support of any institution that fails to comply with any provision of Paragraph (a) of this Rule.

(c) In addition, the State financial and administrative support of an institution may be as set out in G.S. 115D-6.

*History Note: Authority G.S. 114-15.1; 115D-4.1; 115D-5; 115D-6; 115D-31.3; 115D-32; Eff. December 1, 2004.*

## **1H SBCCC 200.87 OPERATING BUDGET REQUESTS: DISTRIBUTION OF FUNDS**

(a) Projections of full-time equivalent (FTE) students shall be based on the following:

- (1) Curriculum FTE projections shall be based on the academic year (fall and spring semesters).
- (2) Continuing education FTE projections shall be based on the latest spring, summer, and fall FTE figures. Annual continuing education FTE is determined by totaling the student hours in membership for the three reporting periods and dividing by 688. Note definition of annual continuing education FTE in 1G SBCCC 100.1(8).

- (3) Projections shall be made, program by program, as stated in Subparagraphs (a)(1) and (2) of this Rule. If the actual FTE for the semesters needed are not available, the latest actual semester FTE shall be multiplied by the latest five-year retention ratio to determine the appropriate estimates. Retention ratios are FTE comparisons between Fall Semester and the Spring Semester which are used to predict FTE totals when actual figures are not available.
- (4) The State Board may adjust the projections based on additional factors brought to its attention.
- (5) The State Board shall adopt an official projection of FTE.

(b) Appropriation Requests:

- (1) Continuation Budget Requests. The continuation budget request shall be based on the number of FTE and amount per FTE currently appropriated and increases in the continuation budget as directed by the Office of State Budget and Management. Also included in the continuation budget requests shall be continuing categorical programs. Categorical programs are educational programs funded for specific purposes such as the Customized Training Program for job growth, productivity enhancement, or technology investment as opposed to general formula programs such as occupational extension.
- (2) Expansion Budget Requests. The expansion budget request shall consist of at least the following items:
  - (A) an adjustment in the number of FTEs in existing programs based on the difference between the official FTE projections of the State Board and the existing level of FTEs requested in the continuation budget;
  - (B) an adjustment in expenditure per FTE;
  - (C) additional funding for new and special programs of instruction.

(c) State Board Reserve. A reserve shall be requested from the General Assembly and shall be retained by the State Board for the purpose of making later allocations for feasibility studies, pilot projects, innovative ideas, and start-up of new programs or as otherwise directed by the General Assembly.

(d) Formula distribution of funds for the current operation budget. Funds appropriated to the State Board for current operation shall be allocated to the system colleges as directed by the General Assembly.

(e) JTPA Administrative Allotment. Student class hours for class size projects funded by the Job Training Partnership Act (JTPA) shall not be included in the full-time equivalent (FTE) formula for earning budget/FTE. Administrative funds for operating these class size projects shall be allocated on the same basis as all other administrative formula funds.

*History Note: Authority G.S. 115D-3; 115D-5; 115D-54; S.L. 1995, c. 625;*

*Eff. February 1, 1976;*

*Amended Eff. September 30, 1977;*

*Emergency Amendment Eff. July 1, 1978 for a period of 120 days to expire on October 29, 1978;*

*Emergency Amendment Made Permanent Eff. July 24, 1978;*

*Amended Eff. June 1, 1987; July 1, 1983;*

*Temporary Amendment Eff. August 25, 1988 for a period of 180 days to expire on February 20, 1989;*

*Amended Eff. September 1, 1993; April 1, 1989;*

*Temporary Amendment Eff. June 1, 1997;*

*Amended Eff. May 1, 2009; July 1, 1998.*

## **1H SBCCC 200.88 DISTRIBUTION OF FEDERAL VOCATIONAL EDUCATION FUNDS**

Federal funds allocated to the state from the Carl D. Perkins Vocational and Applied Technology Education Act shall be distributed one-third to the community college system and two-thirds to the public school system and in accordance with the approved State Plan. In the event that the community college system or the public school system is unable to use the federal funds as provided for in this Rule as determined by the System President and the State Superintendent, the excess funds may be used by the other system as needed.

*History Note: Authority G.S. 115C-154; 115C-158; 115D-5; 115D-31; P.L. 101-392;*



*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 17, 1981; January 6, 1978.*

*Editor's Note: As mentioned in the Editor's Note at the beginning of this Subchapter, numbering errors have been discovered in rules filed in 1976 and 1977. In particular, 23 SBCCC 2D .0315 and .0316 appear to have been repealed on November 4, 1976 due to miscommunication between our office and the Department of Public Education. These Rules have been treated by the agency as still in effect since that date as evidenced by amendments as noted in the history file. Though our office will certify these Rules as repealed, such certification will include all related materials and forms and an affidavit by the Attorney General that the rules were repealed due to administrative error rather than agency intent.*

#### **1H SBCCC 200.89 EQUIPMENT BUDGET REQUESTS: DISTRIBUTION OF FUNDS**

The State Board shall approve budget requests and the allotment of funds to colleges for equipment upon recommendation by the Department.

*History Note: Filed as an Emergency Amendment Eff. July 1, 1978 for a period of 120 days to expire on*

*October 29, 1978;*

*Authority G.S. 115D-5; 115D-55;*

*Eff. February 1, 1976;*

*Emergency Amendment Made Permanent Eff. July 24, 1978;*

*Amended Eff. September 1, 1993; July 1, 1984; August 1, 1983; July 1, 1981.*

#### **1H SBCCC 200.90 LIBRARY BOOK FUNDING SYSTEM AND BUDGETARY APPLICATION**

The State Board shall provide allotment of funds to colleges for library books and non-equipment learning resources upon recommendation of the Department.

*History Note: Filed as an Emergency Amendment Eff. July 1, 1978 for a period of 120 days to expire on*  
*October 29, 1978;*  
*Authority G.S. 115D-5; 115D-31;*  
*Eff. February 1, 1976;*  
*Emergency Amendment Made Permanent Eff. July 24, 1978;*  
*Amended Eff. September 1, 1993; August 1, 1983; July 1, 1981.*

### **1H SBCCC 200.91 APPROPRIATION REQUESTS AND ALLOCATION POLICY**

The State Board shall approve appropriation requests and the allotment of funds to colleges for capital improvements based on need and utilization of space.

*History Note: Filed as an Emergency Amendment Eff. July 1, 1978 For a Period of 120 Days to Expire on*  
*October 29, 1978;*  
*Statutory Authority G.S. 115D-5; 115D-54;*  
*Eff. February 1, 1976;*  
*Amended Eff. January 6, 1978;*  
*Emergency Amendment Made Permanent Eff. July 24, 1978;*  
*Amended Eff. September 1, 1993; September 1, 1985; August 17, 1981.*

### **1H SBCCC 200.92 DISBURSEMENT OF STATE FUNDS**

State funds expended by the colleges shall be disbursed through a disbursing account established for each college with the State Treasurer. The signature of persons authorized to sign vouchers issued on state funds shall be maintained on file with the State Treasurer and the State Board. The State Treasurer will furnish signature cards for this purpose.

*History Note: Authority G.S. 115D-58.3;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 1, 1993; December 1, 1984; August 17, 1981.*

**1H SBCCC 200.93 EXPENDITURES OF STATE FUNDS: ACCREDITATION  
EXPENSES & DUES**

(a) Accreditation expenses relative to Southern Association of Colleges and Schools may be paid from state funds within the institution's current allotment. These expenses shall be limited to payment of travel, subsistence, lodging, and honorarium incurred by members of visiting committees, other bona fide representatives, and members of the staff of accrediting organizations. This Rule permits payment of only those expenses for which an institution is customarily invoiced by an accrediting organization following a visit.

(b) The institution may pay from state funds the required annual dues of the Southern Association of Colleges and Schools, and such institutional association membership dues as the board of trustees deems to benefit the institution. Regarding membership dues in the Southern Association, this Rule applies to annual dues of correspondents and candidates for membership, as well as accredited members.

(c) The institution may also pay from state funds the fees for accrediting individual programs offered by the institution in the following circumstances:

- (1) Where such an accreditation is an official prerequisite for graduates of such programs to be licensed, certified, or registered by legally designated professional or occupational boards or agencies that license, certify, or register in the State of North Carolina;
- (2) When the accrediting agency from which the accreditation is sought, is officially listed by the U.S. Department of Education or the Council on Higher Education Accreditation as a recognized accrediting agency or organization; or
- (3) When the accrediting agency is a member of the Association of Specialized and Professional Accreditors.

(d) Except as provided by this Rule, state funds may not be used to pay the accreditation costs of any other accrediting organizations or agencies.

*History Note: Authority G.S. 115D-5; 115D-55;*

*Eff. February 1, 1976;*

*Amended Eff. April 1, 2009; August 1, 1983; August 17, 1981; September 30, 1977.*

### **1H SBCCC 200.94 EXPENDITURE OF STATE FUNDS: POSTAGE MACHINES**

State funds may be used to rent postage machines.

*History Note: Authority G.S. 115D-5;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 17, 1981.*

### **1H SBCCC 200.95 EXPENDITURE OF STATE FUNDS: CERTIFICATE COSTS**

Printed certificates, diplomas, or degrees produced through printshops at the institution may be paid from state funds available for Supplies and Materials. If these certificates, diplomas, or degrees are ordered from a commercial printshop, the cost can be a part of the graduation fee charged to the student.

*History Note: Authority G.S. 115D-5; 115D-39;*

*Eff. February 1, 1976;*

*Amended Eff. November 1, 1983; August 17, 1981.*

### **1H SBCCC 200.96 EXPENDITURE OF STATE FUNDS: SPECIAL FUNDS**

Expenditure items directly related to operations under a special fund may not be paid from state funds.

*History Note: Authority G.S. 115D-5; 115D-54;*

*Eff. February 1, 1976.*

### **1H SBCCC 200.97 EXPENDITURE OF STATE FUNDS: TRAVEL AND ALLOWANCES**

Travel regulations governing travel for institutional personnel are published in section number five of the Accounting Procedures Manual published by the State Board. These Regulations can be obtained from the Department of Community Colleges, Raleigh, North Carolina.

*History Note: Filed as an Emergency Amendment Eff. September 13, 1978 for a period of 90 days to expire on December 12, 1978;*  
*Authority G.S. 115D-5; 115D-54;*  
*Eff. February 1, 1976;*  
*Amended Eff. September 30, 1977;*  
*Emergency Amendment Made Permanent With Change Eff. December 8, 1978;*  
*Amended Eff. August 17, 1981; July 1, 1980.*

### **1H SBCCC 200.98 MAINTENANCE OF PLANT FLEXIBILITY**

(a) Notwithstanding any other provision of law, a community college that received State funds for maintenance of plant pursuant to G.S. 115D-31.2 for the 2008-2009 fiscal year may use non-instructional State funds allocated to it through the institutional support allotment for maintenance of plant for the 2009-2010 and 2010-2011 fiscal years.

(b) The amount of these funds used for the 2009-2010 fiscal year for maintenance of plant shall not exceed the total amount of maintenance of plant funds received for the 2008-2009 fiscal year. The amount of these funds used for the 2010-2011 fiscal year for maintenance of plant shall not exceed 50 percent of the amount of maintenance of plant funds received for the 2008-2009 fiscal year. This Rule is effective for the 2009-2011 fiscal biennium.

*History Note: Authority G.S. 115D-5; S.L. 2009-451, s. 8.17(b);*  
*Emergency Adoption Eff. September 30, 2009;*  
*Temporary Adoption Eff. December 29, 2009;*  
*Eff. April 1, 2010.*

### **1H SBCCC 200.99 INTERCOLLEGIATE ATHLETICS**

(a) No college shall operate an intercollegiate athletic program or team unless the college maintains a membership in good standing with the National Junior College Athletic Association and Region 10. For the purposes of this Rule, "intercollegiate athletic program or team" does not include club teams.

(b) A college shall not participate in intercollegiate athletics unless any foundation associated with the college pursuant to G.S. 115D-20(9) adopts a policy requiring that the total amount of all athletic scholarships awarded to an individual student-athlete does not exceed the participating student's expenses for tuition, college fees, and course-related books and materials required for the courses in which that student is enrolled.

(c) A college shall not participate in intercollegiate athletics unless the total amount of all athletic scholarships the college awards plus the total amount of all athletic scholarships awarded by any foundation associated with the college pursuant to G.S. 115D-20(9) does not exceed the participating student's expenses for tuition, college fees, and course-related books and materials required for the courses in which that student is enrolled.

(d) State funds shall not be used to create, support, maintain, or operate an intercollegiate athletics program.

(e) Colleges shall neither provide nor offer room and board as part of an intercollegiate athletic scholarship to any student participating in an intercollegiate athletics sport except for temporary room and board associated with specific athletic events.

(f) For the purposes of this Rule, tuition waivers granted are limited to those authorized by statute. Tuition waivers obtained by students participating in any intercollegiate athletics sport shall be deemed to be a scholarship for tuition.

*History Note: Authority G.S. 115D-5;*

*Eff. August 1, 2009.*

### **300. INSTITUTIONAL FUNDS**

#### **1H SBCCC 300.97 LIVE PROJECTS**

(a) Live projects are defined as:

- (1) educational programs in which students, as part of their educational experiences, repair or remodel equipment not owned by the college; or
- (2) educational programs that produce goods that are sold or services for which charges are made, such goods or services being the normal and necessary product of learning activities of students.

(b) In the case of (a)(1) of this Rule, the owner of the equipment must supply or pay for all parts required. In the case of (a)(2) of this Rule, the following regulations apply:

- (1) Where federal programs are involved, rules do not permit goods to be sold. In such programs, goods produced may be used for the benefit of the college or donated to another non-profit charitable or educational agency or institution.
- (2) For live projects that involve the purchase of equipment from the state or federal surplus property agency, the repair of this equipment and its sale as surplus under the rules of the State Division of Purchase and Contract, the proceeds of such sales shall be deposited with the State Board and credited to the equipment budget of the college.
- (3) In other programs that fall under the above definition of live projects:
  - (A) The local board of trustees shall approve rules, consistent with state laws and rules, covering the disposal of goods and services, charges made, etc.
  - (B) The local board of trustees shall provide that the receipts be deposited to the State Treasurer (unless a "special local" fund account arrangement has been worked out in keeping with rules of the department). Receipts deposited to the State Treasurer under this provision shall be allotted back to the college for expenditures during the same fiscal year.
  - (C) Where a "special local" fund arrangement is set up as provided in (b)(3)(B) of this Rule, all costs made necessary because goods or services are produced and then sold shall be paid from the "special local" account that receives the income. This includes materials used in producing the goods and services, extra personnel required to serve customers, specialized equipment that would not otherwise be required for instruction alone, and other costs directly related to a live project as distinguished from an instructional program that does not produce income. Detailed records must be maintained on the special local fund account in order that periodic financial statements may be prepared and a complete audit of the account made after the close of the fiscal year.
  - (D) Where a "special local" fund arrangement is set up as provided in Part (b)(3)(B) of this Rule, the local board of trustees shall adopt regulations

which set forth the purposes for which funds from the special local fund [in excess of those required under Part (b)(3)(C) of this Rule] may be used. Such funds shall not be used to supplement regular salaries of permanent employees whose base salaries are paid from state or local appropriations.

- (E) Approval as a Special Fund. If a project is expected to continue over an extended period of time or if the cost of providing the goods or services is difficult to trace to a particular patron, the project may be accounted for as a "special fund". Expenses of these projects may be paid out of receipts. The approval of the Department will be required to set up projects as special funds.

(c) The clientele served in providing clinical experience for students by carrying on live projects shall be limited to students and employees in the system so far as possible. Where, however, outside clients become necessary in order to provide enough experience to carry out educational programs, clients shall be selected from the general public on the basis of standing criteria adopted and published by the college, not inconsistent with State Board rules.

(d) The above rules, except those under Subparagraph (b)(2) of this Rule, do not apply to the disposal of any state owned equipment, which must be declared surplus and sold by the State Board.

*History Note: Authority G.S. 115D-5; 115D-14; P.L. 97-300;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 17, 1981.*

### **1H SBCCC 300.98 HANDLING OVERHEAD RECEIPTS AND ALLOWANCES**

Funds accruing to an institution as federal allowances, including overhead allowances on federal grant projects, veteran student processing per capita allowances work study processing allowances, and similar items and similar allowances derived from private grant projects, shall be deposited in a special local fund to be used by the institution to fund special projects proposed by the institution and approved by the State President consistent with provisions set forth in the Accounting Procedures Manual.



*History Note: Authority G.S. 115D-5; 115D-54;*

*Eff. February 1, 1976;*

*Amended Eff. August 17, 1981.*

#### **1H SBCCC 300.99 BOOKSTORE: VENDING MACHINE**

The board of trustees of each college shall adopt local policies consistent with G.S. 115D-58.13 for the budgeting, accounting and expenditure of funds generated through vending machines and other convenience concession activities.

Funds generated through vending facilities, vending machines, and other convenience concession activities shall not be used to supplement the salary of any college president.

*History Note: Authority G.S. 115D-5; 115D-58.13;*

*Eff. February 1, 1976;*

*Amended Eff. December 1, 2004; September 1, 1993; December 1, 1984; August 17, 1981.*

#### **400. PROPERTY/CAPITAL IMPROVEMENT**

##### **1H SBCCC 400.93 SURPLUS AND IRREPARABLE BOOKS AND BOOK-LIKE MEDIA**

Books and book-like media originally purchased from state or federal funds, when they are no longer desired by an institution shall be de-accessioned at the institution. These materials may be disposed of by the institution through a local sale; through donations to non-profit, tax-exempt organizations or tax-supported agencies or institutions; through public bid sale by the State Surplus Property Agency; or by using other procedures prescribed by the Department. Records and receipts of each sale shall be maintained for auditing purposes.

*History Note: Authority G.S. 115D-5; 115D-31;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. November 1, 1983.*

## **1H SBCCC 400.94 EQUIPMENT PURCHASES**

In order to make the best use of available state appropriations for the acquisition of equipment, to assure each college of its fair share of equipment funds, to achieve full utilization of all idle equipment in the system before similar equipment is purchased for any college, and to arrange for the most effective administration of the equipment program, the following criteria are adopted:

- (1) Equipment (other than purchases from capital improvement funds), library books, and book-like materials provided each college are purchased by funds from the appropriate Budget Code.
- (2) Equipment and library collections for each college will be provided by its annual equipment and library book budgets. The funds allocated each college for equipment and for library collections will be determined by the Department using the "equipment formula" and the "library book formula" and will be submitted to the State Board for approval.
- (3) The board of trustees and the president are responsible for managing and administering the funds provided for equipment and library collections to ensure that the college has the proper equipment and the library collection needed to support the authorized curricula and courses.
- (4) Title to administrative and instructional equipment purchased with state-allocated funds is held by the State Board and will become a part of the community college system equipment inventory. Such equipment will be eligible for transfer to other colleges.

*History Note: Authority G.S. 115D-5; 115D-31; 115D-54;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; December 1, 1984; July 15, 1978; September 30, 1977.*

## **1H SBCCC 400.95 SURPLUS PROPERTY**

The State Board hereby delegates to the local governing boards of the respective colleges the power to dispose of personal property to which the governing boards of the colleges hold legal titles as prescribed by law.

*History Note: Authority G.S. 115D-5; 115D-14; 115D-54;*

*Eff. February 1, 1976;*

*Readopted Eff. January 5, 1978;*

*Amended Eff. September 1, 1993; December 1, 1984.*

### **1H SBCCC 400.96 DONATED OR LOANED PROPERTY**

(a) A board of trustees may accept property donated to the college for any lawful educational purpose that is consistent with the mission and purpose of the community college system.

(b) Prior to a board of trustees accepting any property that restricts the use of funds derived from the sale or lease of the property, the college shall submit to the System Office a copy of the document transferring the property for review.

(c) Any funds derived from the sale or lease of property donated to a college for a specific educational purpose shall be used to accomplish that purpose.

(d) A board of trustees may permit a private business enterprise that loans or donates instructional equipment to the college to use the college's facilities to demonstrate the donated or loaned equipment to customers or potential customers of the private business enterprise provided that:

- (1) The board of trustees develop procedures to regulate the use of its facilities for this purpose;
- (2) The procedures must comply with G.S. 115D-15; and
- (3) The lender's or donor's use of the college facilities shall not interfere with the education of students.

*History Note: Authority G.S. 115D-5; 115D-15; 115D-20;*

*Temporary Adoption Eff. October 21, 1998;*

*Temporary Adoption Expired August 13, 1999;*

*Eff. August 1, 2000;*

*Amended Eff. August 1, 2010; May 1, 2006.*

**1H SBCCC 400.97 ACQUISITION OF EQUIPMENT**

(a) Boards of trustees may use state funds to support lease purchase and installment purchase contracts to acquire equipment. Contracts that exceed one hundred thousand dollars (\$100,000) or a three-year term shall meet the following conditions:

(1) Prior to obligating any state funds, the State Board shall approve each lease purchase or installment purchase contract.

(2) Prior to submitting a lease purchase or installment purchase contract to the State Board for approval, the college board of trustees shall have approved the contract.

(b) A board of trustees shall not have in effect at any one time more than five state-funded contracts which are permitted under this rule.

(c) The Department shall make an annual report to the State Board on system-wide use of state-funded lease purchase and installment purchase contracts exceeding one hundred thousand dollars (\$100,000) or three-year terms. The report shall include the amount of state funds obligated for the next fiscal year.

*History Note: Authority G.S. 115D-58.5(b); 115D-58.15;*

*Temporary Adoption Eff. October 21, 1998;*

*Temporary Adoption Expired August 13, 1999;*

*Eff. August 1, 2000.*

**1H SBCCC 400.98 CAPITAL PROJECT APPROVAL AND OBTAINING CAPITAL FUNDS**

The State Board is charged with the responsibility to approve sites and building plans, among other things, for all colleges, regardless of source of funds.

*History Note: Authority G.S. 115D-5;*

*Eff. February 1, 1976;*

*Amended Eff. September 1, 1993; August 17, 1981.*

## **1H SBCCC 400.99 OPEN-END DESIGN AGREEMENTS**

A board of trustees of a community college may enter into open-end design agreements subject to the following limitations:

- (1) The open-end design agreement must be publicly announced in a manner reasonably expected to inform interested designers of the college's need for an open-end agreement for designer services.
- (2) Designers or consultants for open-end design agreements shall be selected in accordance with the college's designer selection procedures for minor projects.
- (3) The total estimated cost of each small project shall not exceed the maximum expenditure established by G.S. 143-64.34(c) for each small project that can be designed using the services of a designer secured through an open-end design agreement.
- (4) The initial term of the open-end design agreement shall be the same as the initial term established for fixed term contracts in 01 NCAC 30D .0302(f).
- (5) Design fees for any single project designed under an open-end design agreement shall not exceed the single project monetary limit established for a fixed term contract by 01 NCAC 30D .0302(f).
- (6) Regardless of the number of projects during the initial term of an open-end design agreement, the total amount of fees paid under an open-end design agreement during its initial term shall not exceed the maximum fees payable under a fixed term contract during the fixed term contract's initial year as established by 01 NCAC 30D .0302(f).
- (7) A board of trustees of a community college may extend the initial term of the original open-end design agreement for a maximum of one additional year.
- (8) The maximum amount payable under an open-end design agreement during any additional term after the initial term shall not exceed the maximum amount payable under a fixed term contract during any additional term after the initial term as established by 01 NCAC 30D .0302(f).
- (9) If the term of an open-end design agreement is extended for one additional year and regardless of the number of projects, the sum of the fees paid for the initial term of the agreement and for the year long extension shall not exceed the

limitation established by the State Building Commission for the maximum amount payable under fixed term contracts in 01 NCAC 30D .0302(f).

- (10) A community college shall not have more than one open-end design agreement with the same firm at the same time.

*History Note: Authority G.S. 115D-5; 143-64-34;  
Eff. May 1, 2006.*

## **500. PROCUREMENT**

### **1H SBCCC 500.95 PURCHASE/COMPUTER HARDWARE: SYSTEM SOFTWARE/STATE CONTRACT**

(a) The State Board of Community Colleges authorizes the following classes of full-time employees to purchase microcomputers, related peripheral equipment and system software under state contract at state contract prices:

- (1) classroom instructors;
- (2) other professional personnel in the Department and institutions, including supervisors and administrators, engaged in delivering or supervising classroom instruction, or engaged in curriculum development;
- (3) other personnel in the Department and the local institutions engaged in delivering services through computer related equipment.

(b) In addition to any procedures or requirements of the Department of Administration or the State Budget Office, an institutional employee included within a class defined in Paragraph (a) of this Rule who desires to purchase computer equipment or system software under state contract at state contract prices shall submit a request to his president. This request shall contain a certification by the employee that:

- (1) he is a member of one of the classes of employees defined in Paragraph (a) of this Rule;
- (2) he intends to continue employment with the community college system;

- (3) the computer equipment or system software to be purchased by the employee will assist the employee in performing his assigned duties or will enable the employee to improve the performance of his assigned duties;
- (4) the computer equipment or system software to be purchased will not be resold for at least three years from the date of purchase; and
- (5) the computer equipment to be purchased will not be used primarily for the employee's private benefit.

(c) Upon receipt of a request from an employee the president shall determine whether the information provided therein by the employee is accurate. If the president is satisfied that the information contained in the request is accurate the president, in accordance with any procedures or requirements established by the Department of Administration or State Budget Office, shall initiate the process for the purchase of the requested computer equipment or system software. A request which is incomplete or which contains inaccurate information shall not be approved by the employee's president.

(d) Each employee shall be limited to one approved purchase order under the application of this Rule per three year period from the date of first purchase.

(e) All requests for the purchase of computer equipment or system software shall be submitted on a form prepared by the Department of Community Colleges which incorporates the requirements of Subparagraph (b)(2) of this Rule.

(f) In addition to any procedures or requirements of the Department of Administration or the State Budget Office, professional personnel in the Department included in Subparagraphs (a)(2) and (3) of this Rule who desire to purchase computer equipment or system software under state contract at state contract prices, shall follow the procedures prescribed by the Department.

*History Note: Authority G.S. 115D-5; 143-58.1(b); S.L. 1995, c. 625;*

*Eff. September 1, 1985;*

*Amended Eff. July 1, 1998.*

## **1H SBCCC 500.96 NONCERTIFIED SOURCE PURCHASES**

(a) Community colleges may purchase the same or substantially similar supplies, equipment, and materials from noncertified sources as provided in G.S. 115D-58.5(b) and G.S. 115D-58.14.

"Substantially similar" is defined as having comparable, but not identical characteristics in terms of quality, service and performance as items available under State term contracts.

(b) Each college shall submit to the System Office an annual report showing the number of purchases made from noncertified sources for supplies, equipment, or materials; the amount of funds expended for each purchase; and the amount of funds that would have been expended under state contract. When exercising the purchasing authority granted by G.S. 115D-58.14, each college shall also document the use of this authority on the purchase order.

(c) The System Office shall monitor the use of noncertified source purchases and shall make an annual report to the State Board. The report shall include the number of noncertified source purchases made by the colleges and the amount of funds expended.

*History Note: Authority G.S. 115D-5; 115D-20; 115D-58.14; S.L. 2009-132;*

*Temporary Adoption Eff. October 21, 1998;*

*Temporary Adoption Expired August 13, 1999;*

*Eff. August 1, 2000;*

*Amended Eff. May 1, 2010.*

## **1H SBCCC 500.97 SPECIAL PURCHASING DELEGATIONS**

(a) For the purposes of this Section, "purchasing delegation" means the maximum authorized dollar limits for purchases of commodities, printing, and services by community colleges.

(b) The State Board of Community Colleges shall not increase a community college's purchasing delegation in any calendar year without the concurrence of the Department of Administration, Division of Purchase and Contract. If the Department of Administration, Division of Purchase and Contract does not respond within 60 days of the State Board of Community Colleges notifying the Department of Administration, Division of Purchase and Contract of a college's request to increase its purchasing delegation, the State Board of Community Colleges may increase a community college's purchasing delegation consistent with Paragraph (d) of this Rule without the concurrence of the Department of Administration, Division of Purchase and Contract.

(c) The maximum purchasing delegation for a community college shall be no greater than one hundred thousand dollars (\$100,000).



(1) Tier Structure:

(A) Each community college's purchasing delegation shall correspond to the following four-tiered structure:

Tier 1	Tier 2	Tier 3	Tier 4
\$10,000	\$25,000	\$50,000	\$100,000

(B) Each college is placed on the tier that corresponds to its current delegation. A college may request an increase in delegation only to the next tier; and

(C) If the State Board approves a college's request for an increase in delegation, the new delegation shall be effective for two years from the effective date of approval. If a college obtains an increased delegation and receives a negative compliance review from the Department of Administration, Division of Purchase and Contract or demonstrates problems managing the increased delegation during the two year period, the State Board of Community Colleges, in consultation with the Department of Administration, may rescind the new delegation prior to two years depending on the severity of and the college's response to either a negative compliance review or demonstrated problems managing the increased delegation. A college may only request a delegation increase to the next tier after being at the current tier for two years.

(2) Required Documents. When requesting an increase in purchasing delegation, a college must submit the following hard copy items to the System Office's Business and Finance Division:

(A) Original letter signed by the college President on college letterhead requesting the next tier delegation and the rationale for the request;

(B) Request for Increase in Purchasing Delegation (Form 490);

(C) College Internal Purchasing Manual with policy and procedures for all transaction types;

- (D) Copy of a bid posted on the North Carolina Interactive Purchasing System within the 12 months prior to the date the System Office's Business and Finance Division receives the college's requests to increase its purchasing delegation;
- (E) Copy of a posted E-Quote within the 12 months prior to the date System Office's Business and Finance Division receives the college's requests to increase its purchasing delegation;
- (F) Copy of a favorable compliance review report from the Department of Administration, Division of Purchase and Contract. The compliance review report must have been conducted within 12 months prior to the date the college requests an increase in purchasing delegation. If any findings are noted in the compliance review report, the college must provide documentation that the college has corrected all findings by the date the college requests an increase in purchasing delegation.

(d) Evaluation Process. The State Board, acting by and through the System Office's Business and Finance Division, will evaluate the following factors before submitting a recommendation to increase the purchasing delegation to the Department of Administration, Division of Purchase and Contract:

- (1) The college's overall capabilities including:
  - (A) Staff capacity to absorb additional volume and complexity;
  - (B) Experience and training of the procurement staff of the requesting college;  
and
  - (C) Frequency of procurement staff turnover;
- (2) Purchasing compliance reviews;
- (3) College internal purchasing procedures; and
- (4) Audit reports from the North Carolina Office of the State Auditor.

(e) If the State Board approves a college's request to increase its purchasing delegation, the approval will be effective on the first day of the month following the State Board's approval.

(f) If a college receives an unfavorable compliance review from the Department of Administration, Division of Purchase and Contract or an unfavorable audit from the North Carolina Office of the State Auditor with findings related to purchasing, the State Board may

decrease the delegation amount depending upon the severity of and the college's response to an unfavorable audit with findings related to purchasing.

*History Note: Authority G.S. 115D-5; 115D-58.14(b); S.L. 2009-132, s. 1;  
Eff. August 1, 2010.*

### **1H SBCCC 500.98 ACQUISITION OF AUTOMATED DATA PROCESSING (ADP) RESOURCES**

All requests to purchase, lease, or rent automated data processing resources (hardware, software, or services) from any public funds shall be submitted to the Department for approval.

- (1) In submitting a request, the institution shall:
  - (a) anticipate and document through planning the need for ADP resources;
  - (b) prepare specification and an evaluation plan for procurement selection;  
and
  - (c) evaluate proposals and bids.
- (2) During the initial phase of the approval process, the institution shall contact the department and arrange a conference in order to obtain detailed instructions which must be followed through the acquisition process.
- (3) In addition the conference may also include representatives of the MIS Division of the department of Administration, the Division of Purchase and Contract, and the State Auditor. In some cases, when the acquisition cost is relatively low and/or replacements are being requested the conference may be waived at the department's option.

*History Note: Authority G.S. 115D-5; 143-49;  
Eff. February 1, 1976;  
Amended Eff. November 1, 1983; August 17, 1981; January 6, 1978.*

### **1H SBCCC 500.99 NO-COST EXTENSION OF CONTRACTS**

The System President is authorized to extend the completion date, at no additional cost, of any contract which has received prior approval of the State Board when circumstances warrant,

provided that no applicable laws or regulations prohibit such an extension. Such an extension shall not exceed six months beyond the completion date approved by the State Board.

*History Note: Authority G.S. 115D-5;*

*Eff. February 1, 1976;*

*Readopted January 5, 1978;*

*Amended Eff. September 1, 1993; December 1, 1984.*

## **600. EXTERNAL USE OF COLLEGE FACILITIES AND RESOURCES**

### **1H SBCCC 600.99 ASSISTANCE FOR ECONOMIC DEVELOPMENT**

(a) A board of trustees that permits a private business enterprise to use college facilities or personnel pursuant to G.S. 66-58(c) and G.S. 115D-20(12) shall enter into a written agreement with the private business enterprise prior to providing any services. The agreement shall state the terms and conditions including costs for using college facilities and personnel.

(b) Access to a college's small business incubator shall be limited to 24 months for private business enterprises.

(c) Videoconferencing services may be provided to the public for occasional use.

(e) The board of trustees shall evaluate its services for small business incubators, product testing or teleconferencing services on an annual basis.

*History Note: Authority G.S. 66-58(c); 115D-20(12);*

*Temporary Adoption Eff. October 10, 2001;*

*Eff. April 1, 2003.*

## TITLE 2 – PROPRIETARY SCHOOLS

### CHAPTER A. PROPRIETARY SCHOOLS

#### SUBCHAPTER 100. DEFINITIONS

##### 2A SBCCC 100.1 Definitions

- (a) The following definitions apply throughout this Chapter unless the context of a specific rule indicates otherwise:
- (1) “Catastrophic loss amount” - the amount of funds required to protect prepaid student tuition in case of a large-scale event that would draw against the Student Protection Fund. The amount is one million dollars (\$1,000,000).
  - (2) “Classes or schools” as stated in G.S. 115D-88(4a) - classes or schools, which are offered by the seller of the equipment or the seller's agent.
  - (3) “Equipment” as stated in G.S. 115D-88 includes software.
  - (4) "Fund cap amount" - the catastrophic loss amount plus a reserve amount. The fund cap amount is one million five hundred thousand dollars (\$1,500,000).
  - (5) “Proprietary school” - any business school, trade school, technical school, or correspondence school which:
    - (A) offers postsecondary education or training for profit or for a tuition charge or offers classes for the purpose of teaching, for profit or for a tuition charge, any program of study or teaching one or more of the courses or subjects needed to train and educate an individual for employment; and
    - (B) has any physical presence within the State of North Carolina; and
    - (C) is privately owned and operated by an owner, partnership or corporation.
  - (6) “Remote sites” - approved instructional environments in the same county that do not have any administrative staff or administrative functions such as recruiting, accounting and record keeping taking place.
  - (7) “Reserve amount” - the difference between the catastrophic loss amount and the fund cap amount. Its purpose is to reduce the possibility of the Student Protection Fund being completely depleted. The reserve amount is five hundred thousand dollars (\$500,000).

- (8) “Sale” - a change in ownership resulting in a new owner having ownership interest in greater than 50% of the company’s stock or assets. For the purposes of this Chapter, a sale does not include:
- (A) a transfer of the entire portion of the owner’s ownership interest and control to a member of the owner’s family (whether or not the family member works at the school) that includes parent, stepparent, sibling, step-sibling, spouse, child or stepchild, grandchild or step-grandchild; spouse’s parent or stepparent, spouse’s sibling or step-sibling, spouse’s child or stepchild, spouse’s grandchild or step-grandchild; child’s spouse, and sibling’s spouse; or
  - (B) a transfer of the entire portion of the owner’s ownership interest and control, upon the retirement or death of the owner, to a person (who is not a family member) with an ownership interest in the school who has been involved in management of the school for at least two years preceding the transfer, and who has established and retained the ownership interest for at least two years prior to the transfer.
- (9) “SBPS” – the abbreviation for State Board of Proprietary Schools.
- (10) “Student Protection Fund” is a statewide fee-supported fund. The Student Protection Fund is further defined in Subchapter 500 of this Chapter.
- (11) “Users” as stated in G.S. 115D-88(4a) - employees or agents of purchasers.

*History Note: Authority G.S. 115D-88; 115D-89; 115D-90; 115D-91; 115D-92; 115D-95.1; Eff. September 1, 1993; Amended Eff. [August 1, 2014](#); July 1, 2010; August 13, 2005; December 1, 2004.*

## **SUBCHAPTER 200. EXEMPTIONS**

### **2A SBCCC 200.1 Exemption**

In accordance with G.S. 115D-88(2), employers may contract with third party agencies to provide training for their employees. Schools or classes conducted by third party agencies for an employer to train the employer’s employees are also exempt from the provisions of Chapter 115D, Article 8.

*History Note: Authority G.S. 115D-88; 115D-89; 115D-90; 115D-91; 115D-92; 115D-95.1;  
Eff. September 1, 1993;  
Amended Eff. [August 1, 2014](#); July 1, 2010; August 13, 2005; December 1, 2004.*

## **SUBCHAPTER 300. LICENSURE**

### **2A SBCCC 300.1 Application for Initial License**

- (a) Any person or persons operating a proprietary school in the State of North Carolina shall obtain a license from the North Carolina State Board of Community Colleges except as exempt by G.S. 115D-88.
- (b) Any person or persons seeking to operate a proprietary school that requires licensure shall submit a preliminary application setting forth the proposed location of the school, the qualifications of the Chief Administrator of the school, a description of the facilities available, courses to be offered, and financial resources available to equip and maintain the school. Upon approval of the preliminary application, a final application may be submitted. The final application shall be verified and accompanied by the following:
- (1) A certified check or money order made payable to the North Carolina State Treasurer in the amount established by the State Board of Proprietary Schools and published annually under the North Carolina Proprietary School Fee Schedule;
  - (2) A guaranty bond or alternative to a guaranty bond as set forth in G.S. 115D-95. Except as otherwise provided herein, the bond amount for a proprietary school shall be at least equal to the maximum amount of prepaid tuition held at any time during the fiscal year. During the initial year of operation, the guaranty bond amount or an alternative to a guaranty bond amount shall be based on the projected maximum amount of prepaid tuition that will be held at any time during that year. In any event, the minimum surety bond shall be twenty five thousand dollars (\$25,000);
  - (3) A certified check or money order for the Student Protection Fund in the amount of one thousand two hundred and fifty dollars (\$1,250) made payable to the North Carolina State Treasurer;
  - (4) A copy of the school's catalog or bulletin. The catalog shall include a statement addressing each item listed in G.S. 115D-90(b)(7);

- (5) A financial statement showing capital investment, assets and liabilities, and the proposed operating budget which demonstrates financial stability or a financial statement and an accompanying opinion of the school's financial stability by either an accountant, using generally accepted accounting principles, or a lending institution;
  - (6) A detail of ownership; (This must show stock distribution if the school is a corporation, or partnership agreement if the school will be operated as a partnership.)
  - (7) Information on all administrative and instructor personnel who will be active in the operation of the school, either in full- or part-time capacity; (This information must be submitted on forms provided for this purpose.)
  - (8) Enrollment application or student contract form;
  - (9) School floor plan showing doors, windows, halls, and seating arrangement; also offices, rest rooms, and storage space; the size of each room and seating capacity shall be clearly marked for each classroom; lighting showing kind and intensity shall be indicated for each room; the type of heating and cooling system used for the space occupied shall be stated;
  - (10) Photostatic copies of inspection reports or letters from proper officials to show that the building is safe and sanitary and meets all local city, county, municipal, state, and federal regulations such as fire, building, and sanitation codes; and
  - (11) If the building is not owned by the school, a photostatic copy of the lease held by the school for the space occupied.
- (c) A person or persons purchasing a proprietary school already operating as a licensed school shall comply with all of the requirements for securing an initial license. A license is not transferable to a new owner. All application forms and other data shall be submitted in full. Such terms as "previously submitted" when referring to a former owner's file are not acceptable. If a proprietary school offers classes in more than one county, the school's operations in each such county constitutes a separate school requiring a separate license. Classes conducted by the school in separate locations shall be reported and approved prior to advertising and commencement of classes.
- (d) Remote sites shall not have any administrative staff or any administrative functions such as recruiting, accounting or record keeping. Each remote site shall be subject to an initial remote site fee and an annual renewal fee to be paid by a certified check or money order



made payable to the North Carolina State Treasurer, in the amount established by the SBPS and published annually under the North Carolina Proprietary School Fee Schedule. Each remote site shall have an initial site visit and a visit during each annual audit.

- (e) Classes conducted at remote sites by licensed schools shall be approved prior to advertising and commencement of classes. Any course offered at a remote site shall be a part of an approved program of study for that licensed school.
- (f) Changes in application information presented for licensure or relicensure relating to mission, programs, location or stock distribution require prior approval and licensure amendment by the State Board of Community Colleges.
  - (1) Program additions require curriculum reviews and program or course approvals prior to initiation. A certified check or money order in the amount established by the SBPS and published annually under the North Carolina Proprietary School Fee Schedule made payable to the North Carolina State Treasurer shall accompany each additional program approval request.
  - (2) Single course additions or revisions may be individually approved when schools submit a request for license amendment. Course additions or revisions requiring curriculum review, instructor evaluation, and equipment site assessment are subject to the curriculum review fee established by the SBPS and published annually under the North Carolina Proprietary School Fee Schedule to be paid by a certified check or money order made payable to the North Carolina State Treasurer.
  - (3) School relocations require site visits and approvals prior to use. A certified check or money order in the amount established by the SBPS and published annually under the North Carolina Proprietary School Fee Schedule made payable to the North Carolina State Treasurer shall accompany each site relocation approval request.
  - (4) Other site assessment visits, such as for program additions and revisions, shall require a certified check or money order made payable to the North Carolina State Treasurer in the amount established by the SBPS and published annually under the North Carolina Proprietary School Fee Schedule.

*History Note: Authority G.S. 115D-88; 115D-89; 115D-90; 115D-91; 115D-92; 115D-95.1;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); July 1, 2010; August 13, 2005; December 1, 2004.*

**2A SBCCC 300.2 Application for License Renewal**

- (a) All licenses issued shall expire on June 30.
- (b) All issued licenses shall extend from July 1 through June 30, inclusive; except that any license initially issued on or after April 1 shall expire on June 30 of the following calendar year.
- (c) Schools desiring the renewal of their license shall submit an application on or before March 15 of each year. The application shall be accompanied by the following:
  - (1) All information required of schools applying for an initial license that has not been previously submitted;
  - (2) For a school that has been licensed for one year but less than six years, verification that the guaranty bond or alternative to the guaranty bond is in an amount equal to the greatest amount of unearned paid tuition in the school's possession at any time during the prior fiscal year. This verification shall be in the form of quarterly reports to the President of the North Carolina Community College System evaluating the amount of the guaranty bond or alternative to the guaranty bond. Quarterly evaluation reports requiring an increase of five percent or more in the amount of the bond held by the school must show an immediate increase in the bond amount at the time of the evaluation. At the time of the school's annual license renewal, the guaranty bond or alternative to the guaranty bond shall be an amount equal to the greatest amount of unearned paid tuition in the school's possession at any time during the prior fiscal year;
  - (3) Copy of current catalog containing all information required of schools applying for initial license; and
  - (4) Any supplementary information necessary to bring information on the school up to date.
- (d) A certified check or money order in the amount established by the SBPS and published annually under the North Carolina Proprietary School Fee Schedule made payable to the North Carolina State Treasurer shall be received on or before March 15.
- (e) Proprietary schools shall make payment to the Student Protection Fund in the amount set forth in G.S. 115D-95.1. The full and timely payment into the Student Protection Fund is a condition of licensure. The State Board of Community Colleges shall not refund any

payment to the Student Protection Fund in the event that a school's license is suspended or revoked.

- (f) Proprietary schools shall make adjustments to the guaranty bond or alternative to the guaranty bond requirements of schools based on G.S. 115D-95. A guaranty bond or alternative to the guaranty bond shall be required for license renewal for a school that has been continuously licensed to operate for more than five years in the State, as follows:
- (1) If the balance of the Student Protection Fund in G.S. 115D-95.1 is below the catastrophic loss amount, the school shall file a guaranty bond or alternative to the guaranty bond in an amount equal to the maximum amount of prepaid tuition held by the school during the prior fiscal year multiplied by the percentage amount the fund is deficient.
  - (2) If the school held prepaid tuition in excess of the Student Protection Fund catastrophic loss amount during the prior fiscal year, in addition to any guaranty bond or alternative to a guaranty bond amount required by Subparagraph (1) of this Paragraph, the school shall file a guaranty bond for the difference between the prepaid tuition amount held in the previous fiscal year and the Student Protection Fund catastrophic loss amount.
- (g) The SBPS will tabulate the balance of the Student Protection Fund as of December 31 of each year and establish the percentage amounts identified in Subparagraph (e)(1) of this Rule.

*History Note: Authority G.S. 115D-89; 115D-91; 115D-92; 115D-95.1; S.L. 2009-562 s.4;*  
*Eff. September 1, 1993;*  
*Amended Eff. [August 1, 2014](#); July 1, 2010; August 13, 2005; December 1, 2004.*

### **2A SBCCC 300.3 Application to Amend License**

Reserved for Future Codification

*History Note: Authority G.S. 115D-88; 115D-89; 115D-90; 115D-91; 115D-92; 115D-95.1;*  
*Eff. September 1, 1993;*  
*Amended Eff. [August 1, 2014](#); July 1, 2010; August 13, 2005; December 1, 2004.*

### **2A SBCCC 300.4 Application Upon Sale of Proprietary School**

Reserved for Future Codification

*History Note: Authority G.S. 115D-88; 115D-89; 115D-90; 115D-91; 115D-92; 115D-95.1;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); July 1, 2010; August 13, 2005; December 1, 2004.*

## **2A SBCCC 300.5 Suspension, Revocation, or Failure to Renew License**

REPEALED by State Board of Community Colleges, eff. 1 August 2014.

*History Note: Authority G.S. 115D-93; 150B-22 thru 150B-37;*

*Eff. September 1, 1993;*

*Amended Eff. December 1, 2004;*

*Repealed Eff. [August 1, 2014](#).*

## **2A SBCCC 300.6 North Carolina Proprietary School Fee Schedule**

Each proprietary school subject to Article 8 of Chapter 115D shall make payment as directed by the SBPS according to the following fee schedule:

- (1) Initial license - \$3,000 plus \$50 per program submitted for licensure.
- (2) Annual license renewal - \$1,500 plus \$50 per licensed program renewed; \$200 for each new program submitted for licensure. Any license renewal application postmarked after March 15<sup>th</sup> shall be assessed a \$500 late fee.
- (3) Program additions submitted at any point outside of the annual license renewal period - \$200.
- (4) Program revisions - \$200.
- (5) School relocations - \$500.
- (6) Remote sites - \$1,000 initial site fee, plus annual renewal fee of \$750.
- (7) Site assessments to verify statutory or SBCC Code compliance, or to approve program additions or changes - \$500.

*History Note: Authority G.S. 115D-89.3; 115D-92;*

*Eff. [August 1, 2014](#);*

*Amended Eff. [February 1, 2015](#).*

## SUBCHAPTER 400. GENERAL PROVISIONS

### 2A SBCCC 400.1 Administration

- (a) One person shall be designated as the chief administrator of the school or branch thereof. The chief administrator shall be qualified in accordance with the requirements listed in Paragraph (c) of this Rule.
- (b) The chief administrator is defined as the person directly responsible for the school's program, the methods of instruction, the employment of instructors, the organization of classes, the maintenance of the school plant and the equipment, the advertising used, and the maintenance of proper administrative records and all other procedures related to the administration of the school or class.
- (c) The chief administrator shall have the following qualifications:
- (1) Be a person of good moral character;
  - (2) Be a graduate of an accredited college or university accredited by an agency that is recognized by the U.S. Department of Education; and,
  - (3) Have the experience, competency, and capacity to lead the school.
- (d) Chief administrators and other administrative personnel who possess qualifications which are equivalent to the requirements prescribed herein for chief administrators may be approved individually by the North Carolina Community College System President or designee.

*History Note: Authority G.S. 115D-87; 115D-89; 115D-90;*  
*Eff. September 1, 1993;*  
*Amended Eff. December 1, 2004.*

### 2A SBCCC 400.2 Admission Requirements

- (a) The admission requirements for schools licensed under Article 8 of Chapter 115D of the General Statutes of North Carolina shall be made available to the public and administered as written.
- (b) As a prerequisite to enrolling in a certificate or diploma course offered by the school, the school shall require one of the following:

- (1) Graduation from a public or private high school that operates in compliance with State or local law;
- (2) Graduation from a state registered home high school;
- (3) A certificate of high school equivalency;
- (4) The student's signed, notarized attestation of either graduation from a public or private high school that operates in compliance with State or local law, graduation from a state registered home school, or receipt of a certificate of high school equivalency;
- (5) For persons at least 18 years old who did not graduate from a public, private, or state registered home high school or obtain a certificate of high school equivalency, demonstration of an ability to benefit as determined by any test instrument approved by the Department of Education.
- (6) The school shall only admit a student pursuant to Subsection (b)(4) if the student provides the school with written evidence of the student's inability to obtain a copy of the student's high school transcript or certificate of high school equivalency.

The school shall not permit high school students to attend the school during the time that high schools are in regular session, except in individual cases approved by the student's high school principal in writing. The proprietary school shall include a copy of the approved form in the student's record.

- (c) Schools shall maintain a copy of the high school transcript in the student's record for students the school admits pursuant to Subsections (b)(1) and (b)(2) of this Section.
- (d) Schools shall maintain a copy of the certificate of high school equivalency in the student's record for students the school admits pursuant to Subsection (b)(3).
- (e) Schools shall maintain a copy of the student's signed, notarized attestation for students the school admits pursuant to Subsection (b)(4).
- (f) Schools shall maintain the results of the ability to benefit test in the student's record for students admitted pursuant to Subsection (b)(5).
- (g) The school may admit students to special courses or subjects which are part of the approved curriculum offered by the school when the school deems the student can benefit from the instruction offered.
- (h) If total tuition is greater than five-thousand dollars (\$5,000), the school may collect up to 50 percent of the total tuition prior to that mid-point of the program. The remainder of the

tuition may be collected only when the student has completed one-half of the program. Federal regulations regarding the disbursement of tuition shall supersede state disbursement regulations stated in this Rule.

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); December 1, 2004.*

### **2A SBCCC 400.3 Advertising**

- (a) A licensed school shall not advertise through any media that it offers courses that the school has not been licensed to offer.
- (b) Printed catalogs, bulletins, or prospectus information shall be specific with respect to prerequisite training required for admission to the school courses, the curricula, the contents of courses, graduation requirements, tuition and other fees, refunds and allowances for withdrawals and unavoidable or extended absences.
- (c) Schools shall not use any name, title, or other designation, by way of advertising or otherwise, that is misleading or deceptive as to character of the institution, or its influence in training and employment for students.
- (d) Schools shall not use a photograph, cut, engraving, or illustration in catalogs, sales literature, or otherwise in such a manner as to convey a false impression as to the size, importance, or location of the school's equipment.
- (e) Schools shall not use endorsements, commendations, or recommendations by students in favor of a school unless it is with the consent of the writer and without financial compensation or offer of financial compensation. These materials shall be kept on file by the school.
- (f) Schools shall publish tuition rates, payment methods, and refund policies in their catalogs or as a catalog addendum and shall not deviate from these rates and policies. All catalog addenda shall show an effective date and be readily available to the student.
- (g) Schools shall not make, cause, permit to be made, or publish any false, untrue, or deceptive statement or representation by way of advertising or otherwise concerning other proprietary schools or their activities in attempting to enroll students or concerning the character, nature,

quality, value, or scope of any course of instruction or educational service offered or in any other material respect.

- (h) A school or class shall not solicit students to enroll by means of "blind" advertisements or advertisements in the "help wanted" or other employment columns of newspapers, publications, and Internet job banks.
- (i) Schools shall not make false, untrue, or deceptive statements of representatives regarding the opportunities in any vocation or field of activity as a result of the completion of any given course of instruction or educational service.
- (j) Advertisement shall not use salary-related terms or phrasing such as, "up to", "top", or "high salary".
- (k) Any salary claims shall show comparisons between local and national employment data and shall be for entry-level positions.
- (l) Any salary claims shall be documented and on file at the institution for public viewing.
- (m) Advertisements shall not offer promotions or special inducements to prospective students or enrollees.
- (n) Advertisements and school representatives shall not guarantee or imply positions or employment to prospective students.
- (o) If a licensed proprietary school, in any of its advertisements, printed materials or media, use the phrase or a similar phrase "Licensed by the North Carolina State Board of Community Colleges" then that phrase must be immediately succeeded by the following disclaimer: "The North Carolina State Board of Community Colleges is not an accrediting agency."

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. December 1, 2004.*

## **2A SBCCC 400.4 Ethics**

- (a) Schools licensed under Article 8 of Chapter 115D of the General Statutes of North Carolina shall not offer premiums or special inducement to prospective students or enrollees. Scholarships may be offered provided terms of scholarship are published in the school catalog.



- (b) Failure to maintain tuition rates as published is grounds for suspension or revocation of the license of a school.
- (c) No officer or representative of the school shall solicit any student to leave any school in which the student is enrolled or attends.
- (d) A school representative shall not guarantee positions or employment to prospective students.

*History Note: Authority G.S. 115D-89; 115D-90; 115D-93;*

*Eff. September 1, 1993;*

*Amended Eff. December 1, 2004.*

## **2A SBCCC 400.5 Faculty**

- (a) An application for approval to teach in a licensed proprietary school shall be made on forms provided for this purpose. The application shall be filed with the Office of Proprietary Schools within 30 days of an instructor's beginning date.
- (b) An instructor shall be qualified by education or work experience background and must meet the following qualifications as minimum requirements:
  - (1) Be a person of good moral character;
  - (2) Be at least 18 years of age;
  - (3) Be a graduate of a college or university accredited by an agency that is recognized by the U.S. Department of Education, and hold at least an associate degree in a related field or meet the requirements of other occupational licensing, certification, or approval bodies requested to approve instructor adequacy; and,
  - (4) Personnel who lack the educational requirement in Subsection (b)(3) above, but who are otherwise qualified based on relevant work experience, may be approved on an individual basis by the State Board of Proprietary Schools.

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); December 1, 2004.*

## **2A SBCCC 400.6 Facilities and Equipment**

- (a) The school plant, premises, and facilities shall be adequate, safe, and sanitary and shall be in compliance with the statutory provisions and the rules and regulations of all local ordinances pertaining to fire, health, safety, and sanitation.
- (b) The equipment, supplies, and instructional materials of the school shall be satisfactory and adequate in type, quality, and amount, and shall be suitable for satisfactory use in administering the course or courses of instruction. They shall also meet all requirements of statutory provisions and local ordinances, and rules and regulations adopted thereunder in regard to fire, health, safety, and sanitation.

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. December 1, 2004.*

#### **2A SBCCC 400.7 Financial Stability**

A school licensed under G.S. 115D, Article 8, shall have sufficient finances to establish and carry out a program of education on a continuing basis.

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); December 1, 2004.*

#### **2A SBCCC 400.8 Instructional Program**

- (a) Schools shall not publish in their catalogs courses which they have not been licensed to offer. When a school is licensed to offer a course or program and enrolls students in the course or program, the school shall maintain sufficient and qualified faculty to teach all subjects required for completing the course or program during the time stipulated in the school's bulletin as the required time to complete the course or program and classes shall be scheduled so that the students will be able to receive instruction in all subjects for the number of instructional hours as advertised in the school's bulletin under which the students enrolled. When a school previously licensed to offer a course or program fails to maintain the

qualifications for continuing the course or program, the course or program shall be removed from the catalog or stamped "not offered."

- (b) The number of curriculum programs offered by a school shall be realistic in relationship to faculty employed and students enrolled. As a general rule, the number of curriculum programs offered shall not exceed the number of faculty employed on a full-time basis.
- (c) The school shall establish its calendar one calendar year in advance and give full information to prospective and enrolled students about holidays; beginning and ending dates of each term and other important dates.
- (d) Schools may measure instruction on a clock-hour or credit-hour basis. The catalog shall provide a clear definition of the method used. The school catalog shall show the number of clock hours or credit hours for each subject offered and the minimum clock hours or credit hours a student shall carry for full-time enrollment. Courses offered on a credit-hour basis shall show class hours, laboratory hours, and credit hours.
- (e) The ratio between student and instructor shall be reasonable at all times and in keeping with generally accepted delivery modes, including technology and course content.
- (f) Class period shall permit a minimum of 50 minutes net instruction. Class shall not be scheduled for more than two consecutive class periods without a break.
- (g) Certificates and diplomas shall be issued only upon successful completion of a standard program of study.
- (h) Students enrolled in diploma or certificate programs shall not be enrolled except at the beginning of each term or within the drop/add period which shall not exceed 10 percent of a semester course or 25 percent of quarters or clock hour courses. This provision is not applicable to classes offered on a multi-entry basis.

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); December 1, 2004.*

## **2A SBCCC 400.9 Issuance of Certificates and Diplomas**

A school licensed under G.S. 115D, Article 8, shall limit its offering in certificate and diploma programs and special subjects to the courses and subjects for which it has been licensed to offer.

At the beginning of each term, each school shall post the schedule of subjects being offered during the term. This schedule will show the time and instructor for each subject and designate the room in which the subject will be taught. Each student shall be provided a schedule of classes for each term to show the student's individual schedule.

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); December 1, 2004.*

## **2A SBCCC 400.10 Student Complaints**

Reserved for Future Codification

## **2A SBCCC 400.11 Student Records**

- (a) A school licensed under G.S. 115D, Article 8, shall maintain current, complete, and accurate records to show the following:
- (1) An application for admission that includes the student's educational and personal background, age, and other personal characteristics.
  - (2) Progress and attendance including date entered, dates attended, subjects studied, and class schedule; this record shall be in a form which permits accurate preparation of transcripts of educational records for purpose of transfer and placement, providing reports to government services or agencies, or for such other purposes as the needs of the student might require. Such transcripts shall be in the form understandable by lay persons and educators alike. The grading system on such transcripts shall be explained on the transcript form. Subjects appearing on the transcripts shall be numbered or otherwise designated to indicate the subject matter covered.
  - (3) All student enrollment agreements shall include at a minimum, the program of study, program tuition and fees, date programs are to begin, time period covered by the tuition payment, and statement of or reference to the school's tuition refund policy.
  - (4) All student account ledgers shall include, at a minimum, monies owed and paid by each student, and refunds issued by the school.
  - (5) A copy of the student's high school transcript or certificate of high school equivalency; or a signed, notarized attestation of either graduation from a public or private high school

that operates in compliance with State or local law, graduation from a state registered home high school, or receipt of a certificate of high school equivalency, if the student provides the school with written evidence of the student's inability to obtain a copy of the student's high school transcript or certificate of high school equivalency; or for persons at least 18 years old who did not graduate from a public, private, or state registered home high school or obtain a certificate of high school equivalency, demonstration of an ability to benefit as determined by any test instrument approved by the Department of Education.

- (b) Records of students shall be open for inspection by properly authorized officials of the State Board of Community Colleges.
- (c) Financial records of the school shall be open for inspection by properly authorized officials of the State Board of Community Colleges.

*History Note: Authority G.S. 115D-89; 115D-90;*

*Eff. September 1, 1993;*

*Amended Eff. [August 1, 2014](#); December 1, 2004.*

## **2A SBCCC 400.12 Student Refunds**

- (a) Any proprietary school that is licensed by the State Board of Community Colleges shall maintain and publish a policy relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter a course or withdraws or is discontinued therefrom. The policy and implementing regulations shall provide for, at a minimum, a full refund if a student withdraws before the first day of class or the school cancels the class and a seventy-five percent (75%) refund if the student withdraws within the first twenty-five percent (25%) of the period of enrollment for which the student was charged.
- (b) To comply with applicable federal regulations regarding refunds; federal regulations regarding refunds will supercede state refund regulations in this Rule.
- (c) Proprietary schools are not required to deposit funds collected for tuition with the State Treasurer's Office.

*History Note: Authority G.S. 115D-89; 115D-90.*

*Eff. April 1, 1997;*

*Amended Eff. [August 1, 2014](#); July 1, 2007; December 1, 2004.*

## **2A SBCCC 400.13 Teach-Out Plan and Record Retention**

- (a) Each proprietary school shall adopt a teach-out plan. The plan shall be kept on file in the school's administrative office. A copy of the plan shall be submitted to the North Carolina SBPS with any application for initial licensure or license renewal. Amendments or revisions to the plan shall be submitted to the SBPS as they are made.
- (b) The plan shall include the procedure for notifying students of a pending school closure and the teach-out arrangements with other educational or training institutions. The teach-out arrangements shall include provisions for students to complete their programs, to transfer to other equivalent programs at other institutions, and to be refunded that portion of their prepaid tuition and fees not earned by the school.
- (c) Each student shall be given a minimum 30-day written notice of the school's intent to close. Prior to closure, school officials shall assist students with:
  - (1) completing their programs at the school;
  - (2) identifying equivalent programs at other institutions;
  - (3) transferring to other institutions, and
  - (4) receiving refunds.
- (d) Prior to closure, a school shall file a copy of all student permanent academic and financial aid records with the Department of Cultural Resources.

*History Note: Authority G.S. 115D-90;*

*Eff. December 1, 2004;*

*Amended Eff. [August 1, 2014](#).*

## **SUBCHAPTER 500. STUDENT PROTECTION FUND**

### **2A SBCCC 500.1 Administration of the Student Protection Fund**

- (a) The State Board of Proprietary Schools shall administer the Student Protection Fund.
- (b) If the Student Protection Fund balance is equal to or exceeds the Student Protection Fund cap amount, the State Board of Community Colleges shall suspend payments into the Student

Protection Fund for schools that have been continuously licensed in North Carolina for more than eight years. The State Board of Community Colleges shall require schools to resume payments into the Student Protection Fund if the balance of the Student Protection Fund is less than the catastrophic loss amount.

- (c) If claims against the Student Protection Fund exceed the catastrophic loss amount, the State Board of Proprietary Schools may assess additional fees to compensate students qualified for repayment under the Student Protection Fund. The amount of the catastrophic assessment shall not exceed one-half of the amount of the annual revenue payment required by G.S. 115D-95.1. If the amount of the catastrophic assessment will be insufficient to cover qualified claims, the State Board of Proprietary Schools shall allocate funds among claims proportional to the amount of student loss and the amount in the Student Protection Fund.
- (d) A student, or the student's parent or guardian, who has suffered a loss of tuition, fees, or any other instruction-related expenses paid to a proprietary school licensed under G.S. 115D-90 by reason of the school ceasing to operate for any reason, including, but not limited to the suspension, revocation, or nonrenewal of a school's license, bankruptcy, or foreclosure, may qualify for repayments under the Student Protection Fund. The State Board of Proprietary Schools must first issue repayment from the guaranty bonds and alternatives to the guaranty bond issued under G.S. 115D-95. If the Student Protection Fund is insufficient to cover the qualified claims, the State Board of Proprietary Schools must allocate funds among claims proportional to the amount of student loss and the amount in the Student Protection Fund.

*History Note: Authority G.S. 115D-89; 115D-95.1;*

*Eff. July 1, 2010;*

*Amended Eff. [August 1, 2014](#).*

## **2A SBCCC 500.2 Purpose of the Student Protection Fund**

The purpose of the Student Protection Fund is to compensate students enrolled in a proprietary school licensed under G.S. 115D-90 who have suffered a loss of tuition, fees, or any other instruction-related expenses paid to the school by reason of the failure of the school to offer or to complete student instruction, academic services, or other goods and services related to course enrollment. Students are eligible to be compensated under the Student Protection Fund only if

the school ceases to operate for any reason, including, but not limited to the suspension, revocation, or nonrenewal of a school's license, bankruptcy, or foreclosure.

*History Note: Authority G.S. 115D-89; 115D-95.1;*

*Eff. [August 1, 2014](#).*

## **CHAPTER B. DUE PROCESS**

### **SUBCHAPTER 100. PROCESS FOR REFUSAL TO ISSUE OR RENEW LICENSE**

#### **2B SBCCC 100.1 Standard for Refusing to Issue or Renew License**

The State Board of Community Colleges, by and through the SBPS, may refuse to grant or renew a proprietary school license in accordance with G.S. 150B, Article 3, when it is found that the school has failed to meet the requirements of the law and the rules adopted by the State Board of Community Colleges.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

#### **2B SBCCC 100.2 SBPS Recommendation to Refuse Licensure or License Renewal**

- (a) If the SBPS recommends refusal of a proprietary school's license or recommends nonrenewal of a proprietary school's license, the SBPS, by and through its Executive Director, shall document the rationale for its recommendation to the State Board of Community Colleges in a document to be titled, "Refusal to Recommend Initial Licensure or License Renewal."
- (b) The Executive Director shall send a copy of the "Refusal to Recommend Initial Licensure or License Renewal" to the chief administrator of the proprietary school at issue within five business days of the SBPS' recommendation with a copy to the following: 1) the Chair of the SBPS; 2) the NCCCS Executive Vice President for Operations; 3) the NCCCS General Counsel; and 4) the NCCCS Director of Marketing and Public Affairs.
- (c) In the "Refusal to Recommend Initial Licensure or License Renewal," the Executive Director of the SBPS shall advise the chief administrator or other agent of the proprietary school at



issue of the right to provide a written response to the “Refusal to Recommend Initial Licensure or License Renewal” within 10 business days of receipt of the “Refusal to Recommend Initial Licensure or License Renewal.”

- (d) If the Executive Director of the SBPS receives a written response within 10 business days of the proprietary school administrator’s receipt of the “Refusal to Recommend Initial Licensure or License Renewal,” the Executive Director of the SBPS shall submit the written response to the following: 1) the Chair of the SBPS; 2) the NCCCS Executive Vice President for Operations; 3) the NCCCS General Counsel; and 4) the NCCCS Director of Marketing and Public Affairs.
- (e) The SBCC shall consider the SBPS’ “Refusal to Recommend Initial Licensure or License Renewal” and the proprietary school’s written response that is received by the Executive Director of the SBPS within the time specified in 2B SBCCC 100.2(d) at its regularly scheduled meeting that occurs at least 10 business days after the deadline for the proprietary school’s written response to the SBPS’ “Refusal to Recommend Initial Licensure or License Renewal.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

### **2B SBCCC 100.3 SBCC’s Evaluation of the SBPS’ Recommendation**

The SBCC will evaluate the SBPS’ “Refusal to Recommend Initial Licensure or License Renewal” and the proprietary school’s written response, if any, and after due consideration, vote to grant the proprietary school licensure or initiate denial of the proprietary school’s license to operate one or more programs. Within three (3) business days of the SBCC’s disposition on the investigation report, the NCCCS General Counsel shall notify the proprietary school of the SBCC’s decision to grant the proprietary school licensure or initiate denial of the proprietary school’s licensure.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

## **2B SBCCC 100.4 Right to Hearing**

- (a) If the SBCC votes to initiate denial of a proprietary school's application for license to operate one or more programs, in the letter notifying the proprietary school of the SBCC's intent to deny the proprietary school's request for a license to operate one or more programs, the NCCCS General Counsel shall notify the proprietary school of its right to an informal hearing prior to the SBCC's final agency decision on denial of licensure.
- (b) The proprietary school shall have 10 business days from the date it receives the SBCC's notice of its intent to deny the proprietary school's application for a license to operate one or more programs to notify the SBCC of its request to be heard. The proprietary school's request for hearing must be in writing and signed by the chief administrator or other authorized agent of the proprietary school and directed to the NCCCS General Counsel on behalf of the SBCC.
- (c) If the NCCCS General Counsel does not receive the proprietary school's signed request for hearing within 10 business days from the date the proprietary school receives the written notification of the SBCC's intent to deny the proprietary school's application for a license to operate one or more programs, the SBCC's intent to deny the proprietary school's application for a license will become the SBCC's final agency decision to deny licensure.

*History Note: Authority G.S. 115D-89; 115D-93; 150B-22;*

*Eff. [August 1, 2014](#).*

## **2B SBCCC 100.5 Hearing Process**

- (a) If the NCCCS General Counsel receives the proprietary school's signed request for hearing within 10 business days from the date the proprietary school receives the written notification of the SBCC's intent to deny the proprietary school's application for a license to operate one or more programs, the NCCCS General Counsel shall calendar the informal hearing no longer than 45 days and no sooner than 15 business days after receiving the signed request for hearing. The NCCCS General Counsel will serve as the Hearing Officer on behalf of the SBCC. The Hearing Officer shall provide the notice of hearing with the date, time, and location to the parties at least 10 business days prior to the hearing.

(b) The party appearing on behalf of the SBPS shall be the Executive Director of the SBPS or the SBPS attorney; and the party appearing on behalf of the proprietary school at issue shall be an official of the proprietary school or attorney representing the proprietary school. No later than five (5) business days prior to the hearing, both parties shall exchange the following information and documents with the opposing party or their counsel and deliver three (3) copies to the Hearing Officer:

(1) A written summary of each party's position.

(2) A brief of any legal issues the parties believe are applicable to the case.

(3) The exhibits the parties want the Hearing Officer to consider when making a final recommendation to the SBCC. The three (3) copies for the Hearing Officer shall be separately numbered and placed behind a tab in a notebook or other binder with a table of contents in the front.

(4) A list of witnesses each party intends to call along with a brief summary of each witnesses' testimony.

(5) The findings of fact and conclusions of law the parties would like the Hearing Officer to include in the recommendation to the SBCC. Provide one copy of the proposed findings of fact and conclusions of law electronically to the Hearing Officer in Microsoft Word.

(c) The Hearing Officer will conduct the hearing as follows:

(1) The total length of the hearing will be no longer than three (3) hours. Each party will have a maximum of one (1) hour to present evidence in their case in chief. The SBPS Executive Director or SBPS attorney will present evidence for no more than one (1) hour to support the recommendation to deny the proprietary school's application for a license to operate one or more programs first. At the conclusion of the SBPS Executive Director or the SBPS attorney's case, the proprietary school's representative has the opportunity to present evidence for no more than one (1) hour to support why the proprietary school's application for a license should be approved. After the proprietary school's presentation of evidence, the SBPS Executive Director or SBPS attorney may provide rebuttal evidence for no more than 15 minutes. After the SBPS Executive Director or SBPS attorney's rebuttal evidence, the proprietary school's representative may present rebuttal evidence for no more than 15 minutes.

- (2) Documents that have not been provided to the opposing party and to the Hearing Officer at least five (5) business days prior the hearing will not be considered at the hearing
- (3) The legal rules of evidence will not be enforced, but the Hearing Officer has the discretion to direct the presentations so that the parties address those issues that are relevant to the claims against the proprietary school.
- (4) Parties have the discretion to proceed in a question and answer format for their own presentation of evidence. Alternatively, parties have the discretion to present evidence in a narrative form.
- (5) If either party believes that the Hearing Officer should not give credence to evidence offered by the other party, that party may bring that to the Hearing Officer's attention during the presentation of their own case. The Hearing Officer will consider those objections when weighing the evidence.
- (6) In making a final recommendation to the SBCC, the Hearing Officer will only consider documents introduced and offered into evidence at the hearing. The parties may offer all of their exhibits into evidence at once.
- (7) The Hearing Officer may ask questions at any time throughout the hearing.
- (8) A court reporter will transcribe the hearing.

*History Note: Authority G.S. 115D-89; 115D-93; 150B-22;*

*Eff. [August 1, 2014](#).*

## **2B SBCCC 100.6 SBCC Final Agency Decision**

After the hearing detailed in 2B SBCCC 100.5, the Hearing Officer shall make a final recommendation regarding denial of the proprietary school's application for license to the SBCC at the next regularly scheduled board meeting that occurs at least 10 business days after the hearing. The SBCC's decision is the final agency decision.

*History Note: Authority G.S. 115D-89; 115D-93; 150B-22;*

*Eff. [August 1, 2014](#).*

## **SUBCHAPTER 200. SUSPENSION OR REVOCATION OF LICENSE**

## **2B SBCCC 200.1 Standard for Suspending or Revoking License**

The license of a proprietary school may be suspended or revoked in accordance with G.S. 150B, Article 3, when the SBCC finds that the school has failed to comply with the requirements of the law and the rules adopted by the SBCC.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

## **2B SBCCC 200.2 Complaints or Evidence of Proprietary School Noncompliance**

(a) The SBPS, by and through the SBPS Executive Director shall initiate and conduct an investigation of a proprietary school subject to Article VIII of Chapter 115D for either of the following reasons:

(1) The SBCC, acting by and through the NCCCS President or the SBPS receives a written complaint alleging that a proprietary school subject to Article VIII of Chapter 115D has failed to comply with either the requirements of the law or the rules adopted by the SBCC; or

(2) The SBCC, acting by and through the SBPS has evidence that a proprietary school subject to Article VIII of Chapter 115D has failed to comply with either the requirements of the law or the rules adopted by the SBCC.

(b) If the SBCC, acting by and through the SBPS has evidence that a proprietary school failed to comply with either the requirements of the law or the rules adopted by the SBCC, the SBPS shall document all of the evidence of noncompliance in a document to be titled, "Documentation of Noncompliance."

(c) Upon receipt of a written complaint or upon written documentation of a proprietary school's failure to comply with either the law or SBCC rules, the SBPS Executive Director shall send a "Notice of Investigation" with the written complaint or with the "Documentation of Noncompliance" attached, to the chief administrator of the proprietary school at issue within five (5) business days of receiving the complaint or within five (5) business days of documenting the noncompliance with a copy to the following: 1) the Chair of the SBPS; 2) the NCCCS Executive Vice President for Operations; 3) the NCCCS General Counsel; and

4) the NCCCS Director of Marketing and Public Affairs. In the Notice of Investigation, the SBPS Executive Director shall request that the chief administrator or other agent of the proprietary school at issue submit a written response to the written complaint or to the documented noncompliance within ten (10) business days from the proprietary school's receipt of the SBPS Executive Director's request for a written response to the written complaint or to written response to the documented noncompliance.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

### **2B SBCCC 200.3 Investigation**

- (a) The SBPS Executive Director or the SBPS Executive Director's designee shall conduct an investigation into the written complaint or into the documented noncompliance. Pursuant to G.S. 115D-93(c)(3), the proprietary school under investigation shall permit the SBPS Executive Director or the SBPS Executive Director's designee to obtain any information necessary to conduct the investigation.
- (b) When conducting an investigation of a written complaint against a proprietary school, the SBPS Executive Director or the SBPS Executive Director's designee shall constitute a properly authorized official of the SBCC. The investigation shall conclude within 45 days from the date the SBCC or the SBPS receives a written complaint or within 45 days from the date of the "Documentation of Noncompliance."

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

### **2B SBCCC 200.4 Initial Recommendation to the SBCC**

- (a) Upon the conclusion of the investigation in 2B SBCCC 200.3, the SBPS Executive Director shall submit a written investigation report to the SBPS that includes the following:
  - (1) Copy of the written complaint or Documentation of Noncompliance;

- (2) Specification of the laws or rules the proprietary school allegedly violated and a detailed description of how the proprietary school allegedly violated each of the specified laws or rules;
  - (3) Description of investigation process; and
  - (4) Recommendation of revocation of the proprietary school's license to operate one or more programs with a supporting rationale for revocation rather than for suspension; or
  - (5) Recommendation of suspension of the proprietary school's license to operate one or more programs with a supporting rationale for suspension rather than for revocation; or
  - (6) Recommendation to allow the proprietary school to retain its license to operate one or more programs with a supporting rationale for why revocation or suspension is not warranted.
- (b) The SBPS shall evaluate the written investigation report and after due consideration, recommend that the SBCC:
- (1) Initiate suspension of the proprietary school's license to operate one or more programs; or
  - (2) Initiate revocation of the proprietary school's license to operate one or more programs; or
  - (3) Take no further action.
- (c) The SBPS Executive Director shall submit the written investigation report and SBPS recommendation to the SBCC for the SBCC's consideration at its regularly scheduled meeting that occurs at least 10 business days after the SBPS recommendation with a copy to the following: 1) chief administrator of the proprietary school, 2) the Chair of the SBPS; 3) the NCCCS Executive Vice President for Operations; 4) the NCCCS General Counsel; 5) the Executive Director of the SBCC, and 6) the NCCCS Director of Marketing and Public Affairs.
- (d) The SBCC will evaluate the written investigation report and SBPS recommendation, and after due consideration, vote to:
- (1) Initiate suspension of the proprietary school's license to operate one or more programs;
  - (2) Initiate revocation of the proprietary school's license to operate one or more programs; or
  - (3) Take no further action.

Within three business days of the SBCC's disposition on the investigation report, the NCCCS General Counsel shall notify the proprietary school of the SBCC's decision to initiate suspension, initiate revocation, or take no action.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

## **2B SBCCC 200.5 Right to Hearing**

- (a) If the SBCC votes to initiate suspension or revocation of a proprietary school's license to operate one or more programs, in the letter notifying the proprietary school of the SBCC's intent to suspend or revoke the proprietary school's license to operate one or more programs, the NCCCS General Counsel shall notify the proprietary school of its right to an informal hearing prior to the SBCC's final agency decision on suspension or revocation.
- (b) The proprietary school shall have 10 business days from the date it receives the SBCC's notice of its intent to suspend or revoke the proprietary school's license to operate one or more programs to notify the SBCC of its request to be heard. The proprietary school's request for hearing must be in writing and signed by the chief administrator or other authorized agent of the proprietary school and directed to the NCCCS General Counsel on behalf of the SBCC.
- (c) If the NCCCS General Counsel does not receive the proprietary school's signed request for hearing within 10 business days from the date the proprietary school receives the written notification of the SBCC's intent to suspend or revoke the proprietary school's license to operate one or more programs, the SBCC's intent to suspend or revoke will become the SBCC's final agency decision to suspend or revoke.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

## **2B SBCCC 200.6 Hearing Process**

If the NCCCS General Counsel receives the proprietary school's signed request for hearing within 10 business days from the date the proprietary school receives the written notification of



the SBCC's intent to suspend or revoke the proprietary school's license to operate one or more programs, the hearing process detailed above in 2B SBCCC 100.5 shall apply. For the purpose of this rule, all references to denial of the proprietary school's application for license in 2B SBCCC 100.5 shall be replaced by references to the suspension or revocation of the proprietary school's license.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

### **2B SBCCC 200.7 SBCC Final Agency Decision**

After the hearing detailed in 2B SBCCC 200.6, the Hearing Officer shall make a final recommendation of suspension, revocation, or no action to the SBCC at the next regularly scheduled board meeting that occurs at least 10 business days after the hearing. The SBCC's decision is the final agency decision.

*History Note: Authority G.S. 115D-89; 115D-93;*

*Eff. [August 1, 2014](#).*

## TITLE 3 – RULEMAKING PROCESS AND CODIFICATION SYSTEM

### CHAPTER A. GENERAL

#### SUBCHAPTER 100. GENERAL

##### **3A SBCCC 100.1 Purpose**

- (a) All rules in Title 3 of the SBCC Code govern the SBCC process for rulemaking and the system for codifying rules in the SBCC Code. The SBCC rulemaking process is designed to maximize the efficiency with which it takes to amend, adopt, or repeal a rule while simultaneously retaining a reputable, transparent rulemaking process that involves the public. The codification system is designed to provide clarity, consistency, and uniformity in the SBCC Code.
- (b) The SBCC Code is available on the NCCCS website at <http://www.nccommunitycolleges.edu/SBCCCode>.
- (c) SBCC rules that are not adopted in accordance with Chapter B of this title shall be unenforceable.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

##### **3A SBCCC 100.2 Definitions**

The following definitions apply throughout this Chapter and to all forms prescribed pursuant to this Chapter unless the context indicates otherwise:

- (a) "Action" - The adoption, amendment, or repeal of a rule.
- (b) "Adopt" - The SBCC takes action to approve a new rule with a new rule number.
- (c) "Amend" - The SBCC takes action to modify an existing rule with a deletion, addition or other change to that existing rule. "Amend" does not mean the deletion of a rule in its entirety.
- (d) "Citation" - A reference to a rule by title and chapter or subchapter and section number.
- (e) "NCCCS" - The North Carolina Community College System.

- (f) "SBCC" - The State Board of Community Colleges.
- (g) "SBCC Code" - The State Board of Community Colleges Code.
- (h) "Permanent Rule" - A rule that the SBCC adopts in accordance with Title 3, Chapter B, Subchapters 200 and 300 of the SBCC Code.
- (i) "Publication" - Publication on the NCCCS website in the SBCC Code section or entry into the SBCC Code.
- (j) "Repeal" - The deletion of the entire text of a rule. When a rule is repealed, that rule number shall not be used again. The number, rule name, and final history note remain in the SBCC Code permanently for publication and reference purposes.
- (k) "Rule" - Any SBCC regulation, standard, or statement applicable to any community college or proprietary school subject to Chapter 115D of the North Carolina General Statutes that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of the SBCC. The term includes the establishment of a fee and the amendment or repeal of a prior rule. The term does not include the following:
  - (1) Statements, policies, or procedures concerning only the internal management of the System Office if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the System Office.
  - (2) Nonbinding interpretative statements from the System Office that merely define, interpret, or explain the meaning of a statute or rule.
  - (3) Statements that set forth criteria or guidelines to be used by System Office staff in performing audits, investigations, or inspections; in settling financial disputes or negotiating financial arrangements; or in the defense, prosecution, or settlement of cases.
- (l) "Substantive change" - The SBCC has amended language of a proposed rule after the comment period and the public hearing, if any, has taken place, and the amended language does one or more of the following:
  - (1) Impacts the interests of persons who, based on the proposed text of the rule published on the NCCCS website could not have reasonably determined that the rule would affect their interests.
  - (2) Addresses a subject matter or an issue that is not addressed in the proposed text of the rule.

(3) Produces an effect that could not reasonably have been expected based on the proposed text of the rule.

(m)“Temporary rule” - A rule that the SBCC adopts without prior notice or hearing or upon any abbreviated notice or hearing in accordance with Title 3, Chapter B, Subchapter 400 of the SBCC Code.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3A SBCCC 100.93 Petitions**

REPEALED by the State Board of Community Colleges, eff. 1 June 2014.

*History Note: Authority G.S. 143B-10(j)(2); 150B-20;*

*Eff. September 1, 1993;*

*Amended Eff. March 1, 1997;*

*Repealed Eff. [June 1, 2014](#).*

### **3A SBCCC 100.94 Hearing Officer**

REPEALED by the State Board of Community Colleges, eff. 1 June 2014.

*History Note: Authority G.S. 143B-10; 150B-21.2;*

*Eff. September 1, 1993;*

*Repealed Eff. [June 1, 2014](#).*

### **3A SBCCC 100.95 Hearings**

REPEALED by the State Board of Community Colleges, eff. 1 June 2014.

*History Note: Authority G.S. 143B-10; 150B-21.2;*

*Eff. September 1, 1993;*

*Amended Eff. March 1, 1997;*

*Repealed Eff. [June 1, 2014](#).*

**3A SBCCC 100.96 Statement of Reasons for and Against Rule-Making Decision**

REPEALED by the State Board of Community Colleges, eff. 1 June 2014.

*History Note: Authority G.S. 143B-10; 150B-21.2;*

*Eff. September 1, 1993;*

*Amended Eff. March 1, 1997;*

*Repealed Eff. [June 1, 2014](#).*

**3A SBCCC 100.97 Record of Rule-Making Proceedings**

REPEALED by the State Board of Community Colleges, eff. 1 June 2014.

*History Note: Authority G.S. 143B-10; 150B-21.2;*

*Eff. September 1, 1993;*

*Repealed Eff. [June 1, 2014](#).*

**3A SBCCC 100.98 Fees**

REPEALED by the State Board of Community Colleges, eff. 1 June 2014.

*History Note: Authority G.S. 132-6;*

*Eff. September 1, 1993;*

*Repealed Eff. [June 1, 2014](#).*

**3A SBCCC 100.99 Declaratory Rulings**

REPEALED by the State Board of Community Colleges, eff. 1 June 2014.

*History Note: Authority G.S. 150B-4;*

*Eff. September 1, 1993;*

*Amended Eff. March 1, 1997;s*

*Repealed Eff. [June 1, 2014](#).*

## **CHAPTER B. RULEMAKING PROCESS**

### **SUBCHAPTER 100. INITIATING RULEMAKING PROCESS**

#### **3B SBCCC 100.1 Petition for Rulemaking**

- (a) Any person, organization, or entity requesting the SBCC to adopt, amend, or repeal a rule has the authority to submit a written petition requesting such adoption, amendment, or repeal to the NCCCS President.
- (b) For a petition for rulemaking to be approved for initiation of the rulemaking process, all written petitions for rulemaking shall include the following information from the requesting party:
  - (1) The requesting party's name;
  - (2) The requesting party's e-mail address;
  - (3) The requesting party's proposed language for the adoption or amendment;
  - (4) If the requesting party proposes the repeal of a rule, the requesting party shall identify the rule by title, chapter, subchapter, and rule section; and
  - (5) The requesting party's rationale for proposed adoption, amendment, or repeal.
- (c) On behalf of the SBCC, the NCCCS President or the NCCCS President's designee must communicate the President's decision to grant or to deny the rulemaking petition in writing to the requesting party within 120 calendar days from receipt of the rulemaking petition. The NCCCS President's decision to grant the rulemaking petition means that the SBCC will initiate the rulemaking process to adopt, amend, or repeal the substance of the rule proposed by the requester.
- (d) If the NCCCS President denies the rulemaking petition, the NCCCS President or NCCCS President's designee shall provide the requesting party with the rationale for denying the rulemaking petition. If the NCCCS President denies the rulemaking petition, the NCCCS President or NCCCS President's designee shall report the denial of the rulemaking petition to the Policy Committee of the State Board of Community Colleges for information.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014.](#)*

**3B SBCCC 100.2 State Board Review**

- (a) If the NCCCS President approves a rulemaking petition, consistent with SBCC Bylaws, the SBCC will evaluate the proposed rule adoption, amendment, or repeal for the first time on the SBCC agenda “For Future Action.” The SBCC shall evaluate the proposed rule adoption, amendment, or repeal for initiation of the rulemaking process on the agenda “For Action” at the SBCC meeting following the SBCC’s first review of the proposed rule, unless the SBCC determines otherwise.
- (b) The SBCC shall initiate the rulemaking process when it is satisfied with the language of the proposed rule adoption, amendment, or repeal.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014.](#)*

**SUBCHAPTER 200. PUBLIC INPUT**

**3B SBCCC 200.1 Publication of Proposed Rule**

- (a) The text of the proposed rule adoption, amendment, or repeal (Notice of Proposed Rule) shall be published conspicuously on the NCCCS website within two business days of the SBCC voting to initiate the rulemaking process.
- (b) The text of the proposed rule adoption, amendment, or repeal shall comply with 3C SBCCC 200.1.
- (c) The Notice of Proposed Rule shall have an explanation detailing the basis for the proposed adoption, amendment, or repeal.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014.](#)*

**3B SBCCC 200.2 Public Comment Period**

- (a) The SBCC will accept oral or written comments on the proposed rule for at least 30 calendar days after the Notice of Proposed Rule is published on the NCCCS website or until the date of the public hearing, whichever is longer.
- (b) To ensure receipt, written comments shall be submitted via one of the following methods:
  - (1) Electronic mail to [publiccomments@ncccommunitycolleges.edu](mailto:publiccomments@ncccommunitycolleges.edu);
  - (2) Postal mail to NCCCS Rulemaking Coordinator, 5001 Mail Service Center; Raleigh, NC 27699-5001; or
  - (3) Facsimile to (919) 807-7171.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3B SBCCC 200.3 Public Hearing**

- (a) If the SBCC receives a written request for a public hearing via one of the methods specified in 3B SBCCC 200.2(b) within 15 calendar days of publication of the Notice of Proposed Rule on the NCCCS website, the SBCC must hold a public hearing and publish notice of the hearing conspicuously on the NCCCS website. There must be at least 10 calendar days between the notice of hearing and the actual date of the hearing.
- (b) If the SBCC does not receive a written request for a public hearing, it is within the SBCC's discretion to determine whether it will hold a public hearing.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

## **SUBCHAPTER 300. STATE BOARD APPROVAL PROCESS**

### **3B SBCCC 300.1 Changes Based on Public Comment**

- (a) The SBCC, consistent with its Bylaws, will review all comments received at its meeting immediately following the end of the 30-day comment period, or at its meeting immediately following the public hearing, whichever occurs last.



- (b) If the SBCC makes any substantive changes to the proposed rule after the end of the 30-day comment period, the changes shall be posted to the NCCCS website within two business days of the meeting wherein the SBCC amended the proposed rule.
- (c) The public will have five business days from the date the amended proposed rule is published on the NCCCS website to provide written comments on the amended proposed rule. Written comments on the amended proposed rule shall be submitted in accordance with 3B SBCCC 200.2(b).
- (d) After the conclusion of the five-day comment period in 3B SBCCC 300.1(c), the SBCC will review all additional comments at the meeting immediately following the end of the five-day comment period.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3B SBCCC 300.2 State Board Rule Approval**

- (a) If the SBCC does not receive any public comments after the 30-day comment period in 3B SBCCC 200.2(a), or if the SBCC determines that the comments received do not warrant modification of the proposed rule, then the SBCC has the authority to adopt, amend, or repeal the proposed rule at its meeting immediately following the 30-day comment period in 3B SBCCC 200.2(a) or at its meeting immediately following the public hearing, whichever occurs last.
- (b) If the SBCC does not receive any additional public comments after the five-day comment period in 3B SBCCC 300.1(c), or if the SBCC determines that the comments received do not warrant further modification of the proposed rule, then the SBCC has the authority to adopt, amend, or repeal the proposed rule at its meeting immediately following the five-day comment period.
- (c) The SBCC shall adopt, amend, or repeal proposed rules within 180 calendar days after the end of the 30-day comment period in 3B SBCCC 200.2(a). If the SBCC does not adopt, amend, or repeal a proposed rule within 180 calendar days after the end of the 30-day comment period in 3B SBCCC 200.2(a), the SBCC shall comply with Subchapters 200 and 300 of this Chapter.

(d) All adopted, amended, or repealed rules shall be published on the NCCCS website in the SBCC Code section no later than one business day after the effective date of the rule.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3B SBCCC 300.3 Effective Date**

The effective date of all rules adopted, amended, or repealed by the SBCC shall be the first day of the month following the SBCC's adoption, amendment, or repeal, unless the SBCC specifies another effective date.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

## **SUBCHAPTER 400. TEMPORARY RULES**

### **3B SBCCC 400.1 Temporary Rule Standard**

The SBCC has the authority to adopt a temporary rule to comply with federal or state law, and federal or state law requires adoption in a time period less than the rulemaking time period allotted by the SBCC Code.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3B SBCCC 400.2 Adoption of Temporary Rules**

- (a) The SBCC has the authority to adopt a temporary rule without prior notice or hearing or upon any abbreviated notice or hearing the SBCC finds practical at the SBCC meeting immediately following the event precipitating the need for a temporary rule.
- (b) The SBCC shall publish the temporary rule on the NCCCS website within five business days after the SBCC adopts the temporary rule. A statement specifying the basis for adopting a

temporary rule rather than following the process for a permanent rule shall accompany the temporary rule when it is published on the NCCCS website.

- (c) The temporary rule expires 60 calendar days from the date it was published on the NCCCS website. If the temporary rule is to be effective beyond 60 calendar days from the date it was published on the NCCCS website, the process for the permanent rule must be initiated at the same time the SBCC adopts the temporary rule.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

## **CHAPTER C. CODIFICATION OF RULES**

### **SUBCHAPTER 100. GENERAL RULE CODIFICATION PROVISIONS**

#### **3C SBCCC 100.1 Citation to Authorities**

- (a) The SBCC shall cite authorities according to the most current edition of the rules of citation contained in "A Uniform System of Citation" except as listed in Paragraph (b) of this Rule. "A Uniform System of Citation" is hereby incorporated by reference and includes subsequent amendments and editions.
- (b) The SBCC shall cite:
- (1) the General Statutes of North Carolina as "G.S. #";
  - (2) the Session Laws of North Carolina as "S.L. 20xx-xxx, s. #";
  - (3) an Executive Order issued by the Governor as "E.O. # ((Governor's name) (year))";
  - (4) the North Carolina Administrative Code as "(Title #) NCAC (Chapter or Subchapter #) (.#####)"; and
  - (5) the North Carolina Register as "(Vol. #) NCR (Issue #), (page #)".

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

#### **3C SBCCC 100.2 Illustrations and Notes**

The SBCC may include material in the text of a rule which is an illustration of something in the rule. Illustrations shall be examples or clarifications which, when not read, do not change the meaning of the rule. The material which is meant only as an illustration shall be set aside by preceding it with the word "Note:".

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 100.3 Codification System**

- (a) All rules shall be codified within the system described in Chapter C.
- (b) The SBCC shall arrange its rules in titles. Within each title, there shall be chapters. Chapters shall be divided into subchapters and subchapters shall be arranged in sections.
- (c) SBCC Code rules shall be cited as “(Title #)(Chapter #) SBCCC (Subchapter #)(.Section #)”.
- (d) The SBCC may reserve in writing a specified chapter, subchapter, or section for future use.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

## **SUBCHAPTER 200. RULE FORMATTING**

### **3C SBCCC 200.1 Rule Formatting Specifications**

The SBCC shall format each rule submitted to the SBCC for initiation and adoption as follows:

- (1) Paper Specifications:
  - (a) 8½ by 11 inch plain white paper;
  - (b) one side of the sheet only;
  - (c) black ink;
  - (d) Times New Roman font face;
  - (e) 12 point font size;
  - (f) portrait print (8½ x 11);
  - (g) numbered lines on the left margin with each page starting with line 1;
  - (h) 1.5 line spacing;

- (i) page numbers centered at the bottom of the page for each rule that has more than one page of text; and
  - (j) no staples.
- (2) Tab and Margin Settings:
- (a) tab settings for all rules shall be set relative from the left margin at increments of 0.25; and
  - (b) text shall have one inch margins on all sides and be justified.
- (3) There shall be a brief introductory statement summarizing the status of the rule in the process of initiation and adoption placed in the header and italicized on the first page of any rule.
- (4) Chapter, Subchapter, and Rule Section Names:
- (a) When a new chapter is proposed for adoption, the chapter letter and chapter name shall be in bold print, underlined with all letters capitalized, and centered with one tab following the chapter letter. Two lines shall be skipped between the prior rule and a new chapter name. One line shall be skipped between the chapter name and the subchapter name.
  - (b) When a new subchapter of rules is proposed for adoption, the subchapter name shall be in bold print with all letters capitalized, and centered with one tab following the subchapter number. One line shall be skipped between the prior rule and a new subchapter name.
  - (c) When a new section of rules is proposed for adoption, the section name shall be in bold print with the first letter of each word that is not an article capitalized. One line shall be skipped between the end of one rule section and the beginning of another rule section. No lines shall be skipped between the rule section name and the text of the rule.
- (5) The first digit of the title number shall be placed in position 1. One tab shall be between the rule number and rule name.
- (6) Body of the Rule:
- (a) the body of the rule shall start on the line immediately following the rule name with the following markings:
    - (i) adoptions - new text shall be underlined;
    - (ii) amendments - any text to be deleted shall be struck through and new text shall be underlined; and
    - (iii) repeals - text of the rule shall not be included;

- (b) there shall be no lines skipped in the body of the rule except before and in tables;
- (c) the first level of text shall be flush left and with one tab after the closing parenthesis if the paragraph is identified by a letter;
- (d) the second level of text shall start with one tab and one hanging indent after the closing parenthesis;
- (e) the third level of text shall start with two tabs and one hanging indent after the closing parenthesis;
- (f) the fourth level of text shall start with three tabs and one hanging indent after the closing parenthesis;
- (g) the fifth level of text shall start with four tabs and one hanging indent after the closing parenthesis; and
- (h) the sixth level of text shall start with five tabs and one hanging indent after the closing parenthesis.

(7) The smallest unit of text to be struck through or underlined shall be an entire word with any punctuation that is part of the word or block of characters separated from other text by a space on each side. Punctuation shall be considered part of the word when there is no space between the punctuation and the word.

(8) History Note Specifications:

- (a) shall be in italic font;
- (b) shall start on the second line following the body of the rule;
- (c) the first line of the History Note shall start in the first position; all lines following shall be two tabs;
- (d) the first line shall start with the words "History Note:", followed by one tab and the word "Authority". The SBCC shall then cite the authority(ies) in numerical order for that rule;
- (e) the effective date of the original adoption of the rule shall be the next line following the authority. The abbreviation "Eff." shall be followed by this date;
- (f) on the line following the "Eff." date, the amended dates shall be preceded with the words "Amended Eff." and the dates shall be listed in chronological order, with the most recent amended date listed first;

- (g) the repealed date of a rule shall be the last line of the history note and start with the words "Repealed Eff." followed by the date;
  - (h) all items in the history note shall be separated by semicolons with the last line ending with a period;
  - (i) all history of a rule shall be in chronological order following the authority for the rule; and
  - (j) all dates in the history note shall be complete with the month spelled out, and shall not contain any abbreviations.
- (9) Numbers within the text shall be as follows:
- (a) numbers from one to nine shall be spelled out;
  - (b) figures shall be used for numbers over nine; and
  - (c) if a phrase contains two numbers, only one of which is over nine, figures shall represent both.
- (10) Monetary figures within the text shall be spelled out followed by the numerical figure in parenthesis. Decimal and zeros shall be used only for even dollar amounts of sums less than one thousand dollars (\$1,000).
- (11) Once the SBCC has adopted a rule, the rule shall be published on the NCCCS website in the SBCC Code section without complying with 3C SBCCC 200.1(1)(g) and (h) and without complying with 3C SBCCC 200.1(6)(a).

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014.](#)*

### **3C SBCCC 200.2 Rule Formatting Specifications for Substantive Changes**

- (a) The SBCC shall prepare for publication on the NCCCS website in the SBCC Code section any permanent rule that does not differ in any way from the proposed rule published on the NCCCS website in the SBCC Code section according to the general format instructions in 3C SBCCC 200.1(6).
- (b) If a permanent rule differs in any way from the proposed rule published on the NCCCS website in the SBCC Code section, the following applies:

- (1) The SBCC shall identify changes in an adopted rule by striking through deleted portions, and underlining added portions. The unchanged text shall not be underlined.
- (2) The SBCC shall identify changes in an amended rule as follows:
  - (A) when text has been added, the text added shall be underlined and highlighted;
  - (B) when existing text has been deleted, the text deleted shall be struck through and highlighted;
  - (C) when text that was proposed to be deleted has been restored, the restored text shall be highlighted, but not underlined or struck through;
  - (D) when text that was proposed to be added has been deleted, the deleted proposed text shall be enclosed in brackets, struck through and highlighted; and
  - (E) when text is required to be highlighted, the highlighting shall be by highlight marker or shall be computer generated. The text shall show through the highlight and be clear and legible when reproduced.
- (3) If the SBCC repeals a rule originally noticed to be amended, then the SBCC shall submit the rule as a permanent repeal.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.3 Chapter Division**

- (a) The SBCC may use the chapter to divide titles into subject areas.
- (b) When subdividing a title into chapters, the SBCC shall subdivide the entire title into at least two chapters.
- (c) A chapter of the SBCC Code shall be represented by a capital letter. Chapter letters shall be lettered alphabetically.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.4 Subchapter Division**



- (a) The SBCC shall place rules in the same subject area in one subchapter. The subchapter is the subdivision that contains rules.
- (b) All subchapters shall be represented as the first three digits preceding a decimal. Subchapters shall be numbered consecutively starting with Subchapter 100. unless a subchapter number has been reserved.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014.](#)*

### **3C SBCCC 200.5 Section Division**

- (a) The section shall be represented by the digits following a decimal. Sections shall be numbered consecutively unless a rule number has been reserved. The last digit of the first section shall be “1”.
- (b) For rule sections adopted by the SBCC, the SBCC shall subdivide a section containing more than one idea into paragraphs labeled: (a), (b), (c), .... Any subdivided paragraphs shall be labeled: (1), (2), (3), ...; (A), (B), (C), ...; (i), (ii), (iii), ...; (I), (II), (III), .... All subdivisions of rules shall be represented by this order, and each label shall be in parentheses.
- (c) For rule sections adopted by the SBCC when the section is not subdivided into paragraphs but contains a list, the sequence of labels for the lists shall be: (1), (2), (3), ...; (a), (b), (c), ...; (i), (ii), (iii), ...; (A), (B), (C), ...; (I), (II), (III), ....
- (d) A rule shall not begin with a list. A list contained within a rule shall be preceded by some form of introductory material.
- (e) If there is a list within a paragraph, the rule shall follow the sequence above in section (b).

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014.](#)*

### **3C SBCCC 200.6 History Note**

- (a) The SBCC shall include a history note for each rule submitted to the SBCC for publication in the SBCC Code, containing the following information:
  - (1) the authority for the rule;

- (2) the effective date of the adoption of the rule;
  - (3) the effective date of the amendments to the rule including the proposed amendment listed in chronological order with the proposed amendment first;
  - (4) the effective date of the repeal; and
  - (5) any other history references pertaining to the rule.
- (b) Notwithstanding Paragraph (a) of this Rule, the SBCC shall combine repealed rules with a single history note if the rules are consecutive numerically in the same section and the effective dates and repealed dates are identical. The SBCC shall combine authority cites and any other dates.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.7 Changes to Title, Chapter, Subchapter, or Section Names and History Notes**

The SBCC may change the name of a section, subchapter, chapter, or title and a history note without complying with Title 3, Chapter B by posting notice of the change on the NCCCS website in the SBCC Code section. The effective date of the change shall be no earlier than ten business days from the date of the notice.

*History Note: Authority G.S. 115D-5;*

*Eff. [June 1, 2014](#).*

### **3C SBCCC 200.8 Recodification of Rules**

The SBCC may recodify one or more of its rules without complying with Title 3, Chapter B by posting notice of the change on the NCCCS website in the SBCC Code section. The notice shall contain the citation to the existing rule and the recodified citation, and the reasons for the recodification. The effective date of the recodification shall be no earlier than ten business days from the date of the notice.

*History Note: Authority G.S. 115D-5;*

*Eff.* [June 1, 2014.](#)