



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Dr. R. Scott Ralls, President

July 2, 2008

IMPORTANT ADMINISTRATIVE CODE INFORMATION

MEMORANDUM

TO: Community College Presidents

FROM: Q. Shanté Martin
General Counsel

SUBJ: **AMENDMENTS TO THE NC ADMINISTRATIVE CODE -
EFFECTIVE JUNE 1, 2008**

The State Board of Community Colleges has completed the process of amending the following rules:

23 NCAC 02D .0325, entitled “Limitations in Reporting Student Membership Hours” was amended to permit students enrolled in public high schools to take community college courses through the newly created “Learn and Earn Online Program.” This amendment will make clear the prohibition of colleges earning formula FTE from these students.

23 NCAC 02E .0405, entitled “Training for Public Safety Agencies” was also amended by clarifying the State Boards’ intent that Public Safety Training Courses be offered by colleges only when the training doesn’t supplant other courses offered by authorized direct delivery agents, when enrollment for the training is open, and when the college maintains supervisory rights over the courses, curriculum, and instructors.

For your convenience copies of these rules, with the changes underlined, are attached to this memorandum. Please be sure to share the changes in the Administrative Code with all those affected. If there are questions, please do not hesitate to ask.

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E-mail Copy

QSM/may

Attachments

23 NCAC 02D .0325 LIMITATIONS IN REPORTING STUDENT MEMBERSHIP HOURS

(a) Student hours shall not be reported for budget/FTE which result from:

- (1) Conferences or visits. ~~General types of meetings usually of one or more day's duration, attended by a fairly large number of people. A conference or visit may have a central theme, but is loosely structured to cover a wide range of topics. The emphasis is on prepared presentations by authoritative speakers, although division into small group sessions for discussion purposes is often a related activity.~~
- (2) Seminars or Meetings. ~~A small group of people meeting primarily for discussion under the direction of a leader or resource person or persons. Seminars and meetings are generally one time offerings even though they may continue for more than one day.~~
- (3) Programs of a service nature rather than instructional classes.
- (4) Enrollment of high school students not in compliance with 23 NCAC 2C.0301 and 2C.0305.
- (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 .0202 and .0203 of this Subchapter.
- (7) Homework assignments.
- (8) Inter-institutional or intramural sports activities including those of prison inmates.
- (9) Effective July 1, 1993, no budget/FTE shall be generated by occupational extension students after their first repetition of an occupational extension course. Students who take an occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. These students shall not generate budget/FTE. The funds collected from these students shall be used by the colleges to offer additional educational courses. This Subparagraph does not apply to fire, rescue, or law enforcement training courses taken by fire, rescue, or law enforcement personnel.
- (10) Learn and Earn Online Courses.

(b) A statement on occupational extension course repetitions consistent with the requirements of this rule shall be included in college advertisements, schedules and catalogs. Students shall be notified during registration that they will be charged the full cost of courses which they have taken twice within a five-year period and in which they wish to enroll. Students shall be primarily responsible for monitoring course repetitions; however, the colleges shall review records and charge students full cost for courses taken more than twice.

(c) Senior citizens who are legal residents of North Carolina and who wish to enroll in an occupational extension course, shall not be required to pay for taking the course twice. Senior citizens who take an

occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. These senior citizens shall not generate budget/FTE. The funds collected from these senior citizens shall be used by the colleges to offer additional educational courses.

(d) Students may repeat occupational extension courses more than once if the repetitions are required for certification, licensure, or recertification. The colleges shall submit annual reports to the State Board of Community Colleges naming the students and the certification, licensure or recertification requirements that necessitated the repetition.

(e) 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.

(f) 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.

(g) Educational programs offered in a correctional department setting shall report full-time equivalent (FTE) student hours on the basis of contact hours.

*History Note: Filed as a Temporary Amendment Eff. November 1, 1993, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
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-5;
Eff. September 1, 1988;
Amended Eff. June 1, 2008; ~~February 1, 2008~~; April 1, 1997; June 1, 1994; September 1, 1993.*

23 NCAC 02E .0405 - 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 subsection (a)(1), 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 subsection (b)(1), 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 subsection (c)(1), 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: ~~Statutory~~ Authority G.S. 115D-5

Eff. August 1, 2003;

Amended Eff. May 1, 2008.