



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
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REPLY TO:
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IMPORTANT ADMINISTRATIVE CODE INFORMATION

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents and Boards of Trustees Chairs
NC Community College System Office Staff
Other Interested Parties

FROM: Q. Shanté Martin
General Counsel

SUBJECT: **Changes in the Administrative Code**

The State Board of Community Colleges has completed the amendment process for the following rules, which are effective beginning today, April 1, 2010:

23 N.C.A.C. 02C .0305 entitled "Education Services for Minors"
23 N.C.A.C. 02D .0325 entitled "Limitations in Reporting Student Membership Hours"

The State Board of Community Colleges adopted the amendment in 23 N.C.A.C. 02C .0305 "Education Services for Minors" because the legislature in N.C.G.S. § 115D-1.2(b) directed the State Board of Community Colleges to adopt rules to implement the Learn and Earn Online program.

The State Board of Community Colleges adopted the amendment in 23 N.C.A.C. 02D .0325 "Limitations in Reporting Student Hours" to be consistent with Section 8.6(a) of Session Law 2009-451, which provides that Learn and Earn online courses earn budget full-time equivalent in the curriculum enrollment formula.

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

CC10 – 012
E-mail Copy

QSM/caa
Attachment

23 NCAC 02C .0305 EDUCATION SERVICES FOR MINORS

(a) ~~The State Board shall encourage individuals to complete high school before seeking admission to a college. 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, may be considered a student with special needs and who is not currently enrolled in a public or private educational agency may be admitted to an appropriate a Basic Skills or Continuing Education program at a college if the a North Carolina local public or private educational agency agency, where the minor now resides, determines that admission to the a Basic Skills or Continuing Education program is the best educational option for the student and the admission of the student to the a Basic Skills or Continuing Education program is approved by the college college under one of the following conditions: This requirement may be waived if the student has been out of school at least six months and the application is supported by a notarized petition of the student's parent, legal guardian, or other person or agency having legal custody and control. The petition shall certify the student's residence, date of birth, date of leaving school, and the petitioner's legal relationship to the student.~~

(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 ~~Paragraphs (b) and~~ 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 9th, 10th, 11th, or 12th 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 9th, 10th, 11th, or 12th 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 ~~Burd~~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.*

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.
- (2) Seminars or Meetings.
- (3) Programs of a service nature rather than instructional classes.
- (4) Enrollment of high school students not in compliance with 23 NCAC 02C .0301 and 02C .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.

(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: 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. April 1, 2010; June 1, 2008; April 1, 1997; June 1, 1994.