



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Dr. R. Scott Ralls, President

March 16, 2011

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

SUBJ: Proposed Amendment to Fees for Extension Programs Rule

The State Board has initiated the Rule-making process to amend the following rule:

23 N.C.A.C. 02D .0203, entitled "Fees for Extension Programs."

The State Board is amending this rule to be consistent with the legislative amendment of Senate Bill 202/Session Law 2009-451, s. 8.12, which requires that fees for college continuing education courses be based on the number of class time hours. Additionally, the State Board of Community Colleges thinks the description of self-supporting classes is better in this Code section. **The proposed amendment was published in the North Carolina Register on March 15, 2011, Volume 25, Issue 18, on pages 2180 - 2182.**

For your convenience a copy of this rule with the changes indicated, along with the relevant sections of the above-mentioned Session Law is attached to this memorandum. Please post a copy of the rule in prominent places so that all individuals affected by the proposed changes will be informed.

In accordance with the Administrative Procedures Act, no public hearing has been scheduled for these rule-making proceedings. Requests for a public hearing should be made in writing within 15 days of publication of the proposed rule in the North Carolina Register to the following address: Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to publiccomments@nccommunitycolleges.edu. Written comments for the Rule must be received no later than 5:00 p.m. on May 16, 2011. Written comments should be directed to the following address: Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to publiccomments@nccommunitycolleges.edu.

Thank you for your attention to this matter.

**CC11-005
E-mail Copy**

QSM/caa

Attachments

TITLE 23 – COMMUNITY COLLEGES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Community Colleges intends to amend the rule cited as 23 NCAC 02D .0203.

Proposed Effective Date: *August 1, 2011*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): To demand a public hearing please send the written demand to Q. Shanté Martin, NC Community College System, 200 West Jones Street, MSC 5001, Raleigh, NC 27699-5001 or by emailing the demand to martins@nccommunitycolleges.edu. Demands must be received within 15 days of publication of the proposed rule in the North Carolina Register.*

Reason for Proposed Action: *"Fees for Extension Programs" is proposed for amendment to comply with Senate Bill 202/Session Law 2009-451, s. 8-12. Additionally, the State Board of Community Colleges thinks the description of self-supporting classes is better in this Code section.*

Procedure by which a person can object to the agency on a proposed rule: *Written objections shall be addressed to President, NC Community College System Office, 5001 MSC, Raleigh, NC 27699-5001 within the comment period and must be post marked by 11:59 p.m. on the last day of the comment period.*

Comments may be submitted to: *Q. Shanté Martin, NC Community College System, 200 West Jones Street, MSC 5001, Raleigh, NC 27699-5001, phone (919)807-6961, fax (919)807-7171, email publiccomments@nccommunitycolleges.edu*

Comment period ends: *May 16, 2011*

Procedure for Subjecting a Proposed Rule to Legislative Review: *If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.*

Fiscal Impact:

- State
- Local
- Substantial Economic Impact (\geq \$3,000,000)
- None

CHAPTER 02 - COMMUNITY COLLEGES

SUBCHAPTER 02D - COMMUNITY COLLEGES: FISCAL AFFAIRS

SECTION .0200 - STANDARD STUDENT FEES

23 NCAC 02D .0203 FEES FOR EXTENSION PROGRAMS

(a) Registration fees for Non-Curriculum Extension Instruction. For purposes of administration of this Rule, non-curriculum extension instruction means all instruction organized, supervised, or delivered outside the regular curriculum programs offered by the college.

- (1) A registration fee, as established by the State Board, as set by the Legislature shall be charged for each occupational extension class.
- (2) Each local board shall establish registration fees for Community Service Programs.
- (3) All recreational courses shall be self-supporting. Colleges shall collect and deposit to a local account fees and other contributions to support entirely the costs of all recreational extension courses taught. Also note Paragraph (e) of Rule .0325 of this Subchapter regarding the reporting of student membership hours for this area.

~~(4) — A registration fee shall be charged for each extension class of 21 weeks or less. A registration fee shall be charged each 16 weeks for extension classes lasting longer than 21 weeks.~~

~~(5)~~(4) Registration Fee Waivers:

- (A) Special Extension Training Programs. No registration fees shall be charged students enrolling for special extension training programs that directly relate to job performance set forth in G.S. 115D-5(b).
- (B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one extension or curriculum course per semester in the system without registration fee or tuition charges.
- (C) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged registration fees.
- (D) Prison inmates shall not be charged registration fees.
- (E) Elementary and secondary school teachers who take CPR or first aid classes shall not be charged registration fees.
- (F) Members of the North Carolina Civil Air Patrol and individuals engaged in civil preparedness who take special extension training courses that directly relate to their job performance shall not be charged registration fees.

(b) Self-Supported Classes. A self-supporting class is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled. A college may sponsor self-supporting classes, [~~see 23 NCAC 02E .0101~~], deposit income (if any) to a local account, and pay all expenses from the local account. Each student shall pay a pro-rata share of the cost of a self-supporting class. Since the cost for a self-supporting class is not considered a registration fee, the pro-rata cost for any individual or group is not waived under G.S. 115D-5(b) or G.S. 115B-2.

(1) To promote uniformity in determining cost of the self-supporting classes, direct and indirect costs for these classes are defined as follows:

(A) Direct Costs

- (i) Instructor(s) salary including FICA, travel, and course development costs;
- (ii) Instructional supplies and materials;
- (iii) Rental of buildings;
- (iv) Advertising, printing, postage, and mailing;
- (v) Equipment;
- (vi) Refreshments; and
- (vii) Administrative or clerical costs.

(B) Indirect Costs.

Indirect costs are the charges for activities and services that support self-supporting classes which cannot be directly and exclusively assigned to a self-supporting class. Examples of indirect costs shall include utilities, custodial and security services, coordination, administration, or clerical, salary and fringe benefits.

(2) If self-supporting receipts (all categories: e.g., curriculum, community service) exceed expenditures for the fiscal year the following provisions apply:

(A) Surplus funds shall be expended for student financial aid, scholarships, or program improvement. All expenditures shall directly benefit students.

(B) Funds derived from self-supporting classes shall not be used for:

- (i) Supplemental salaries of any personnel;
- (ii) Administrative support of the college, other than noted above, and only for activities that directly benefit students; and
- (iii) College entertainment expense. (Educational activities for non-college personnel or college personnel to enhance student success would not be entertainment. Functions in which the primary purpose is fundraising would be entertainment.)

(3) Each local board of trustees shall adopt a policy regulating the amount of mark-up the college may charge for a self-supporting class and how surplus funds derived from these classes may be used. Each local board of trustees shall review its policy on self-supporting classes at least once every three years. All expenditures must be consistent with the mission and purpose of the community college system.

(c) Driver Education. Colleges shall collect a student fee as established by the local board of trustees for the adult driver education training course offered through the community service program.

(d) Registration Fee Refunds. A refund shall not be made except under the following circumstances:

- (1) A student who officially withdraws from an extension class(es) prior to the first class meeting shall be eligible for a 100 percent refund. Also, a student is eligible for a 100 percent refund if an applicable class fails to "make" due to insufficient enrollment.
 - (2) After the respective class begins, a 75 percent refund shall be made upon the request of the student if the student officially withdraws from the class prior to or on the 10 percent point of the scheduled hours of the class. Note: This Rule is applicable regardless of the number of times the class meets or the number of hours the class is scheduled to meet.
 - (3) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the tenth calendar day of the class.
 - (4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.
 - (5) If a student, having paid the required registration fee for a semester or term, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all registration fees for that semester or term may be refunded to the estate of the deceased.
- (e) Military Registration Fee Refund - Upon request of the student, each college shall:
- (1) Grant a full refund of 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 then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and
 - (2) Buy back textbooks through the colleges' bookstore operations to the extent possible.
- Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-451
SENATE BILL 202**

AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

PART I. INTRODUCTION AND TITLE OF ACT

INTRODUCTION

SECTION 1.1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the State Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

TITLE OF ACT

SECTION 1.2. This act shall be known as the "Current Operations and Capital Improvements Appropriations Act of 2009."

PART II. CURRENT OPERATIONS AND EXPANSION GENERAL FUND

CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for the fiscal biennium ending June 30, 2011, according to the following schedule:

Current Operations – General Fund	2009-2010	2010-2011
EDUCATION		
Community Colleges System Office	\$ 999,833,122	\$ 1,012,467,778
Department of Public Instruction	7,456,261,240	7,358,833,223
University of North Carolina – Board of Governors		
Appalachian State University	146,887,779	144,187,448
East Carolina University		
Academic Affairs	236,308,845	231,603,085
Health Affairs	54,594,731	54,591,731
Elizabeth City State University	37,652,375	37,192,086
Fayetteville State University	58,668,910	57,857,732
North Carolina Agricultural and Technical State University	102,786,986	100,942,266
North Carolina Central University	94,298,521	93,012,264
North Carolina School of the Arts	27,045,523	26,875,056
North Carolina State University		
Academic Affairs	411,626,246	406,156,905



fire department personnel, volunteer rescue and lifesaving department personnel, local rescue and lifesaving department personnel, Radio Emergency Associated Citizens Team (REACT) members when the REACT team is under contract to a county as an emergency response agency, local law-enforcement officers, patients in State alcoholic rehabilitation centers, all full-time custodial employees of the Department of Correction, employees of the Department's Division of Community Corrections and employees of the Department of Juvenile Justice and Delinquency Prevention required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission, trainees enrolled in courses conducted under the New and Expanding Industry Program, clients of sheltered workshops, clients of adult developmental activity programs, students in Health and Human Services Development Programs, juveniles of any age committed to the Department of Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction, ~~prison inmates~~, members of the North Carolina State Defense Militia as defined in G.S. 127A-5 and as administered under Article 5 of Chapter 127A of the General Statutes, and elementary and secondary school employees enrolled in courses in first aid or cardiopulmonary resuscitation (CPR). Provided further, tuition shall be waived for up to six hours of credit per academic semester for senior citizens waived for up to six hours of credit per academic semester for senior citizens age 65 or older who are qualified as legal residents of North Carolina. Provided further, tuition shall also be waived for all courses taken by high school students at community colleges, including students in early college and middle college high school programs, in accordance with G.S. 115D-20(4) and this section."

CONTINUING EDUCATION FEES

SECTION 8.12. The fees charged for community college continuing education courses shall be based on the number of hours of class time. The fees shall be:

<u>Class Hours</u>	<u>Cost</u>
1-24	\$ 65.00;
25-50	\$120.00;
51+	\$175.00.

CONSOLIDATE NURSING AND ALLIED HEALTH ALLOTMENTS

SECTION 8.13. The State Board of Community Colleges shall consolidate the Nursing categorical allotment into the Allied Health categorical allotment before distributing funds appropriated in this act. These funds shall be awarded to community colleges based on the full-time equivalent (FTE) enrollment in allied health programs.

CUSTOMIZED TRAINING PROGRAM

SECTION 8.14.(a) Funds appropriated in this act for the Customized Training Program that unexpended and unencumbered on June 30, 2010, may, subject to cash availability and the approval of the Office of State Budget and Management, be carried forward into the 2010-2011 fiscal year for equipment purchases. These funds shall be distributed through the Educational Equipment Reserve.

SECTION 8.14.(b) Projects that create or retain jobs in North Carolina shall receive first priority for funds appropriated for the Customized Training Program.

SECTION 8.14.(c) G.S. 115D-5.1(f) is amended by adding a new subsection to read:

"(f) The State Board shall report on an annual basis to the Joint Legislative Education Oversight Committee on:

...
(1a) The types of services sought by the company, whether for new, expanding, or existing industry."

COMMUNITY COLLEGES URGED TO PARTICIPATE IN FEDERAL STUDENT LOAN PROGRAMS

SECTION 8.15. The General Assembly urges all community colleges to participate in federal student loan programs.

NORTH CAROLINA MILITARY BUSINESS CENTER

2009. **SECTION 28.6.** Except as otherwise provided, this act becomes effective July 1,
2009. In the General Assembly read three times and ratified this the 5th day of August,

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 12:10 p.m. this 7th day of August, 2009