



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**  
*Dr. R. Scott Ralls, President*

April 1, 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:** **Changes in the Administrative Code**

The State Board has completed the rule-making process to adopt or amend the following rules, which are effective beginning today, April 1, 2011:

23 N.C.A.C. 02C .0213, entitled "School Absence for Religious Observances (adopted),"  
23 N.C.A.C. 02D .0202, entitled "Tuition and Fees for Curriculum Programs (amended)."

The State Board adopted 23 N.C.A.C. 02C .0213 "School Absence for Religious Observances" to comply with N.C.G.S. § 115D-5(u), which required that the State Board of Community Colleges direct community colleges to adopt policies addressing religious exemptions beginning with the 2010-2011 academic year.

The State Board amended 23 N.C.A.C. 02D .0202 "Tuition and Fees for Curriculum Programs" to be consistent with the legislative amendment of Senate Bill 897/Session Law 2010-31, s. 8.6.

For your convenience, a copy of these rules are attached to this memorandum. Please post a copy of these rules in prominent places so that all individuals affected by these changes or adoption will be informed.

Thank you for your attention to this matter.

**CC11-008**  
**E-mail Copy**

QSM/caa

Attachments

## CHAPTER 02 - COMMUNITY COLLEGES

### SUBCHAPTER 02C - COLLEGES: ORGANIZATION AND OPERATIONS

#### SECTION .0200 - PERSONNEL

##### **23 NCAC 02C .0213 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~~2010;  
Eff. April 1, 2011;*

## CHAPTER 02 - COMMUNITY COLLEGES

### SUBCHAPTER 02D - COMMUNITY COLLEGES: FISCAL AFFAIRS

#### SECTION .0200 - STANDARD STUDENT FEES

##### 23 NCAC 02D .0202 TUITION AND FEES FOR CURRICULUM PROGRAMS

(a) Tuition:

- (1) Student Residence Classification. The classification of students for tuition purposes shall be made pursuant to G.S. 115B-2, 115D-39, 116-143.1, 116-143.3, and 116-143.5.
- (2) Tuition Rates In-State:
  - (A) A general and uniform tuition rate is established by the State Board as set by the Legislature for full-time curriculum students per semester or term for North Carolina residents.
  - (B) A North Carolina resident who is a part-time student shall pay a per credit hour rate for curriculum instruction, as established by the State Board, for any semester or term as set by the Legislature.
- (3) Learning Laboratory. No tuition fees charged.
- (4) Tuition Creditable Upon Transfer of Student. When a student has paid the required tuition at a college and is given permission to transfer to another college within the system during the academic semester for which the tuition was paid, the college from which the student transfers shall issue to him a statement certifying the amounts of tuition that have been paid, and the college to which he is transferring shall accept such certificate in lieu of requiring payment again. [Also, see 23 NCAC 02D .0323(b)(2) which provides information regarding reporting student hours in membership.]
- (5) Tuition Student Enrolled in More Than One College. Where a student desires to enroll for the same semester at two or more colleges of the system, the total amount of tuition and fees may be paid to the student's "home" college. "Home" college is defined as the college which the student initially registers for classes. The "home" college shall, in that case, assume responsibility for arranging with the other college or colleges for enrolling the student in appropriate classes without further charge. Such arrangement shall be made by exchange of letters between the colleges involved. Student membership hours for instruction received shall be reported by the college in which the respective instruction occurred.
- (6) Tuition Rates Out-of-State:
  - (A) Any full-time curriculum student who is an out-of-state resident shall pay tuition fees as established by the State Board for each semester or term as set by the Legislature.
  - (B) An out-of-state resident who is a part-time student shall pay a per credit hour rate for curriculum instruction as established by the State Board as set by the Legislature.
- (7) Tuition Waivers:
  - (A) Individuals in the categories set forth in G.S. 115D-5(b) shall be exempt from tuition for specialized training courses only, unless otherwise permitted under this Rule.
  - (B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one curriculum or extension course per semester, as well as the summer term, in the system without payment of tuition or registration fee.
  - (C) Basic Law Enforcement Training Program (BLET) for law enforcement officers. All law enforcement officers employed by a municipal, county, state, or federal law enforcement agency when taking courses in a state-mandated BLET training program, are exempt from tuition payment. Also, trainees shall be exempt from BLET class tuition if a letter of sponsorship from a state, county, or municipal law enforcement agency is on file at the college.
  - (D) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged tuition.
  - (E) High school students taking courses pursuant to Paragraph (c) (concurrent enrollment) and Paragraph (e) (cooperative high school programs) of 23 NCAC 02C .0305 of this Chapter shall not be charged tuition.
  - (F) Patients in state alcoholic rehabilitation centers shall not be charged tuition.

(G) Juveniles committed to the Department of Juvenile Justice and Delinquency Prevention shall not be charged tuition.

(H) Prison inmates shall not be charged tuition.

(b) Pre-Enrollment Deposit. The local board of trustees may establish a pre-enrollment deposit up to a maximum of fifteen dollars (\$15.00). The pre-enrollment deposit, if established, shall be required only when a prospective student has made application for admission and has been accepted. This advance payment is not refundable unless the class(es) fails to materialize or a refund is required by the death of the student. This advance payment shall be deposited to the State Treasurer and credited against the full tuition due from the student during the regular registration period. For the purposes of this Rule, any tuition refund granted shall not include the pre-enrollment deposit of the student unless a refund is granted when a class fails to materialize or because of the student's death.

(c) Late Enrollment Fee. A late enrollment fee up to five dollars (\$5.00) may be charged curriculum students registering after the specific closing date of registration, with such fees becoming state funds.

~~(d) Tuition Refunds. Refunds: Each college shall allow a 100 percent tuition refund up to and including the drop/add date for each college. Each college shall allow a 75 percent tuition refund from the date after the drop/add date up to and including the census date of the course. Where a student, having paid the required tuition for a semester, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all tuition and fees for that semester shall be refunded to the estate of the deceased, upon request by the deceased's estate within 90 days of the student's death.~~

(1) A refund shall not be made except under the following circumstances:

(A) A 100 percent refund shall be made if the student officially withdraws prior to the first day of class(es) of the academic semester or term as noted in the college calendar. Also, a student is eligible for a 100 percent refund if the class in which the student is officially registered is cancelled due to insufficient enrollment.

(B) A 75 percent refund shall be made if the student officially withdraws from the class(es) prior to or on the official 10 percent point of the semester.

(C) For classes beginning at times other than the first week (seven calendar days) of the semester a 100 percent refund shall be made if the student officially withdraws from the class prior to the first class meeting. A 75 percent refund shall be made if the student officially withdraws from the class prior to or on the 10 percent point of the class.

(D) 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 10th calendar day of the class.

(2) To comply with applicable federal regulations regarding refunds, federal regulations supersede the state refund regulations stated in this Rule.

(3) Where a student, having paid the required tuition for a semester, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all tuition and fees for that semester may be refunded to the estate of the deceased.

(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.

(e) Military Tuition Refund. Upon request of the student, each college shall:

(1) Grant a full refund of tuition and 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.

~~(f) Additional Rules for Tuition Refunds.~~

~~(1) As used in Paragraph (d) of this Rule, the term "census date" is defined as the official 10 percent point of any semester, term, or course as noted in the college calendar.~~

~~(2) To comply with applicable federal regulations regarding refunds, federal regulations shall supersede the state refund regulations provided in this Rule to the extent the federal regulations and state regulations are contradictory.~~

*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.*