



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

James C. Williamson, Ph.D.

President

24 January 2017

IMPORTANT INFORMATION

MEMORANDUM

- TO:** Members of the State Board of Community Colleges
Community College Presidents
Boards of Trustees Chairs
Community College Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Chief Financial Officers, Continuing Education Officers, Financial Aid Officers, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties
- FROM:** Q. Shanté Martin, *NCCCS General Counsel*
- RE:** **Proposed Amendment of 3B SBCCC Subchapter 400 – “Temporary Rules”**

The State Board of Community Colleges (“SBCC”) has initiated the rulemaking process to amend 3B SBCCC Subchapter 400 – “Temporary Rules” to provide the SBCC with the authority to address serious or unforeseen circumstances in a more timely manner.

The proposed amendment is published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code." For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Please post a copy of the proposed rule in prominent places so that all individuals affected by the proposed changes will be informed.

Any member of the public has the right to submit written comments on the proposed rule. Please note that any person who submits a public comment on behalf of their community college should comply with their college’s local process for submitting comments on a proposed rule. **Written comments on the rules must be received by no later than 5:00 p.m. on 23 February 2017.** Any member of the public has the right to request a hearing on the proposed rules. **Requests for a hearing must be received by no later than 5:00 p.m. on 8 February 2017.** Written comments and requests for hearing shall 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.

**CC17-006
E-mail Copy**

Attachments



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: 24 January 2017

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amend 3B SBCCC Subchapter 400 – “Temporary Rules”
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Specify whether the SBCC proposes to adopt amend, or repeal a rule:

Adopt (new rule)	Amend (change existing rule)	Repeal (delete entire rule)
	X	

Rationale for proposed adoption, amendment or repeal:	The purpose for the amendment is to provide the State Board of Community Colleges with the authority to address serious or unforeseen circumstances in a more timely manner.
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Proposed Effective Date of Rule	May 1, 2017
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1 **State Board of Community Colleges Code**
2 **TITLE 3 – RULEMAKING PROCESS AND CODIFICATION SYSTEM**

3
4 **CHAPTER B. RULEMAKING PROCESS**

5
6 **SUBCHAPTER 400. TEMPORARY RULES**

7
8 **3B SBCCC 400.1 Temporary Rule Standard**

9 The SBCC has the authority to adopt a temporary rule or amend or repeal an existing rule
10 on a temporary basis for the following reasons: ~~to comply with federal or state law, and~~
11 ~~federal or state law requires adoption in a time period less than the rulemaking time period~~
12 ~~allotted by the SBCC Code.~~

13 (a) To comply with federal or state law, and federal or state law requires adoption,
14 amendment, or repeal in a time period less than the rulemaking time period allotted
15 by the SBCC Code;

16 (b) To address a serious or unforeseen threat to the public health or safety; or

17 (c) To address an unforeseen circumstance where the State Board finds that adherence
18 to the notice and hearing requirements in the SBCC Code would be contrary to the
19 public interest of students or other community college stakeholders.

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

22 *Eff. May 1, 2017; June 1, 2014.*

23
24 **3B SBCCC 400.2 Adoption of Temporary Rules**

25 (a) The SBCC has the authority to adopt a temporary rule or amend or repeal an existing
26 rule on a temporary basis without prior notice or hearing or upon any abbreviated
27 notice or hearing the SBCC finds practical at the SBCC meeting immediately following
28 the event precipitating the need for a temporary rule.

29 (b) The SBCC shall publish the temporary rule on the NCCCS website within five
30 business days after the SBCC adopts the temporary rule or amend or repeal an
31 existing rule on a temporary basis. A statement specifying the basis for adopting a

1 temporary rule or amending or repealing an existing rule on a temporary basis rather
2 than following the process for a permanent rule shall accompany the temporary rule
3 when it is published on the NCCCS website.

4 (c) The temporary rule expires on the earliest of the following dates: 60 calendar days
5 from the date it was published on the NCCCS website. If the temporary rule is to be
6 effective beyond 60 calendar days from the date it was published on the NCCCS
7 website, the process for the permanent rule must be initiated at the same time the
8 SBCC adopts the temporary rule.

9 (1) The date specified in the temporary rule.

10 (2) The effective date of the permanent rule adopted to replace the temporary rule.

11 (3) 180 calendar days from the date the temporary rule was published on the NCCCS
12 website, unless the permanent rule has been submitted to the SBCC for initiation
13 of the rulemaking process within the 180 calendar days from the date the
14 temporary rule was published on the NCCCS website. If the permanent rule
15 initiated to replace the temporary rule is not adopted by the SBCC within 90
16 calendar days from the date the SBCC initiated the permanent rulemaking
17 process, the temporary rule shall expire 90 days from the date the SBCC initiated
18 the permanent rulemaking process.

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

21 *Eff. May 1, 2017, June 1, 2014.*