



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

June 27, 2011

Amends CC08-010

MEMORANDUM

TO: Presidents
Chief Business Officers
Continuing Education Administrators
Instructional Administrators
Student Services Officers
Registrars

FROM: Jennifer Haygood
Vice President for Business and Finance and
Chief Financial Officer

SUBJECT: Legislative Changes to Tuition and Registration Fee Waiver Statutes

Section 8.12 of S.L. 2011-145 (H200) enacted multiple statutory changes to tuition waivers that are effective July 1, 2011 (see attached excerpt). This memo provides a summary of the substantive changes to the waiver statutes as a result of S.L. 2011-145. It does not provide a comprehensive listing of all waivers. A comprehensive waiver guidance document will be forthcoming later this year. Note that these statutory changes overrule any conflicting language found in the NC Administrative Code. Changes to the NC Administrative Code needed to ensure consistency with the General Statutes will be pursued at a later date.

Public Safety Agencies

Section 8.12.(a) amends G.S. 115D-5(b) to clarify that tuition and registration fees may be waived for public-safety personnel affiliated with the agencies listed below, provided that the course(s) support the organizations' training needs and are on a specialized course list approved by the State Board of Community Colleges:

- Volunteer fire departments (including any non-profit departments);
- Municipal, county, or State fire departments;

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- Volunteer EMS or rescue and lifesaving departments (including any non-profit departments);
- Municipal, county, or State EMS or rescue and lifesaving departments;
- Radio Emergency Associated Communications Teams (REACT) under contract to a county as an emergency response agency;¹
- Municipal, county, or State law enforcement agencies;
- The Department of Correction for the training of full-time custodial employees and employees of the Department's Division of Community Corrections required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission; and
- The Department of Juvenile Justice and Delinquency Prevention for the training of employees required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission.

For the purposes of this legislation, "Municipal, county, or State" fire departments, EMS or rescue and lifesaving departments, and law enforcement agencies are defined as agencies of the State of North Carolina, a North Carolina municipality, or a North Carolina county. This definition does not include private, for-profit entities, including those under contract to the State, a municipality, or a county.

Section 8.12.(d) amends G.S. 115D-39 to provide that "federal law enforcement officers, firefighters, EMS personnel, and rescue and lifesaving personnel whose permanent duty station is within North Carolina shall also be eligible for the State resident community college tuition rate for courses that support their organizations' training needs and are approved for this purpose by the State Board of Community Colleges." Since there is no distinction for in-state and out-of-state registration fees for continuing education courses, the affected federal employees would be subject to the regular continuing education fees.

Eliminated Waivers

Section 8.12.(a) amends G.S. 115D-5(b) to eliminate the following waivers:

- Patients in State alcoholic rehabilitation centers,
- 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,
- 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
- Prison inmates.

Section 8.12.(b) amends G.S. 115D-5(b) to clarify that community colleges may not waive tuition and registration fees for **community college faculty or staff**. However, colleges may use

¹ As amended by Section 18 of H22.

State funds to pay tuition and registration fees for one course per semester for full-time community college faculty or staff members employed for a term of nine or more months.

In accordance with Section 8.4.(d) of S.L. 2010-31, the Fiscal Research Division of the North Carolina General Assembly conducted a comprehensive study of the currently authorized community college tuition waivers. The study identified the following tuition waivers that appear only in NC Administrative Code and not in General Statutes: **NC Civil Air Patrol members** and **individuals engaged in civil preparedness**. These categories were not included as authorized waivers in Section 8.12.(a) of S.L. 2011-145 (H200); therefore, they are not allowable.

High School Students

Despite language in Section 7.24.(b) of S.L. 2010-31 that stated that the General Assembly intended to eliminate the tuition waiver for high school students effective July 1, 2011, **the General Assembly did not eliminate this waiver**. Therefore, colleges may continue to waive tuition for high school students enrolled in courses that are **not** provided on a self-supporting basis. Of course, colleges must continue to operate under the limitations on high school programming outlined in CC10-027 through the Fall 2010 term. Effective January 1, 2012, colleges may only generate budget FTE for high school programming provided through one of the approved Career and College Promise pathways. A future numbered memo will provide additional details about the Career and College Promise program. While the issue of waiving tuition for high school students and generating budget FTE for high school programming are two separate issues, they are both mentioned here due to their close relationship and to reduce confusion.

Attachment

/jh

pc: Mr. Kennon Briggs
Dr. Sharon Morrissey
Dr. Saundra Williams
Mr. Van Wilson
Ms. Barbara Boyce
Ms. Elizabeth Self
Ms. Shante Martin

COMMUNITY COLLEGE TUITION WAIVERS

SECTION 8.12.(a) G.S. 115D-5(b) reads as rewritten:

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds. The State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees ~~for~~ for the following:

- (1) Persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent ~~certificate~~; certificate.
- (2) ~~Training courses for~~ Courses requested by the following entities that support the organizations' training needs and are on a specialized course list approved by the State Board of Community Colleges:
 - a. ~~(i) volunteer firemen,~~ Volunteer fire departments.
 - b. ~~(ii) local fire department personnel,~~ Municipal, county, or State fire departments.
 - c. ~~(iii) volunteer rescue and lifesaving department personnel,~~ Volunteer EMS or rescue and lifesaving departments.
 - d. ~~(iv) local rescue and lifesaving department personnel,~~ Municipal, county, or State EMS or rescue and lifesaving departments.
 - e. Radio Emergency Associated Citizens Team ~~Teams~~ (REACT) members when the REACT team is under contract to a county as an emergency response agency, county as an emergency response agency.
 - f. Municipal, county, or State law enforcement agencies.
 - g. ~~(vii) all full-time custodial employees of the Department of Correction, and The Department of Correction for the training of full-time custodial employees and employees of the Department's Division of Community Corrections required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission.~~
 - h. ~~(viii) employees of the Department's Division of Community Corrections and employees of the The Department of Juvenile Justice and Delinquency Prevention for the training of employees required to be certified under Chapter 17C of the General Statutes and the rules of the Criminal Justice and Training Standards Commission;~~ Commission.
- (3) ~~Patients in State alcoholic rehabilitation centers;~~
- (4) ~~Trainees enrolled in courses conducted under the Customized Training Program;~~ Program.
- (5) ~~Clients of sheltered workshops;~~
- (6) ~~Clients of adult developmental activity programs;~~
- (7) ~~Students in Health and Human Services Development Programs;~~
- (8) ~~Juveniles of any age committed to the Department of Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction;~~
- (9) ~~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;~~
- (10) ~~Elementary and secondary school employees enrolled in courses in first aid or cardiopulmonary resuscitation (CPR);~~ (CPR).
- (11) ~~Up to six hours of credit instruction and one course of noncredit instruction per academic semester for senior citizens age 65 or older who are qualified as legal residents of North Carolina;~~ Carolina.

- (12) All curriculum 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~~section.
- (13) Human resources development courses for any individual who (i) is unemployed; (ii) has received notification of a pending layoff; (iii) is working and is eligible for the Federal Earned Income Tax Credit (FEITC); or (iv) is working and earning wages at or below two hundred percent (200%) of the federal poverty ~~guidelines~~and guidelines.
- (14) ~~Prison inmates.~~

The State Board of Community Colleges shall not waive tuition and registration fees for other individuals."

SECTION 8.12.(b) G.S. 115D-5 is amended by adding a new subsection to read:

"(b1) The State Board of Community Colleges shall not waive tuition and registration fees for community college faculty or staff members. Community colleges may, however, use State or local funds to pay tuition and registration fees for one course per semester for full-time community college faculty or staff members employed for a nine-, ten-, eleven-, or twelve-month term."

SECTION 8.12.(c) The Community Colleges System Office shall transfer funds appropriated for curriculum and continuing education instruction to the Department of Correction. The Department of Correction shall use these funds to pay tuition and fees for prisoners.

The amount transferred shall be calculated by multiplying the number of curriculum and continuing education FTE served in prisons in the 2010-2011 fiscal year by the per capita budgeted receipts for curriculum and continuing education.

This subsection is projected to result in a reduction of up to forty-three percent (43%) in the number of curriculum and continuing education courses provided to prisoners.

SECTION 8.12.(d) G.S. 115D-39(a1) reads as rewritten:

"(a1) In addition, ~~any~~ federal law enforcement ~~officer~~ officers, firefighters, EMS personnel, and rescue and lifesaving personnel whose permanent duty station is within North Carolina shall also be eligible for the State resident community college tuition rate for ~~law enforcement training courses~~ courses that support their organizations' training needs and are approved for this purpose by the State Board of Community Colleges."