



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

October 23, 2014

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,
Business Officers, 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: **Repeal of 1A SBCCC 300.99 – “Instructional Service Agreements”; and
Amendments of 1D SBCCC 300.97 – “Instructional Service Agreements” and
1D SBCCC 400.96 – “Instructional Service Agreements”**

On 17 October 2014, the State Board of Community Colleges voted to do the following:

**Repeal 1A SBCCC 300.99 – “Instructional Service Agreements”
Amend 1D SBCCC 300.97 – “Instructional Service Agreements”
Amend 1D SBCCC 400.96 – “Instructional Service Agreements”**

The State Board of Community Colleges seeks to promote the ease of use for our community college stakeholders and to avoid duplication of rules. **The rules will be effective November 1, 2014. The new rules will be published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code."** For your convenience, a copy of the rules are attached to this memorandum.

**CC14-034
E-mail Copy**

Attachments

State Board of Community Colleges Code
TITLE 1 – COMMUNITY COLLEGES

CHAPTER A. STATE BOARD GOVERNANCE

SUBCHAPTER 300. COLLEGE SERVICE AREAS

1A SBCCC 300.99 Instructional Service Agreements

REPEALED by the State Board of Community Colleges, eff. 1 November 2014.

History Note: Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L. 1995, c. 625;

Temporary Adoption Eff. October 31, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. May 1, 1995;

Temporary Amendment Eff. June 1, 1997;

Amended Eff. August 1, 2004; July 1, 1998;

Repealed Eff. November 1, 2014.

State Board of Community Colleges Code
TITLE 1 – COMMUNITY COLLEGES

CHAPTER D. EDUCATION PROGRAMS

SUBCHAPTER 300. CONTINUING EDUCATION

1D SBCCC 300.97 Instructional Service Agreements

(a) Level One Instructional Service Agreement.

(1) A college may offer continuing education courses in an area assigned to another college by providing a written, level one instructional service agreement under the following conditions:

(A) Resources are solely provided by the college requesting permission to enter into another college's service area; and

(B) The requesting college does not share the FTE with the other college(s).

For the purposes of this rule, “an area assigned to another college” shall include an online class that is set up to specifically target students in another college’s service area.

(2) The level one instructional service agreement shall:

(A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level one instructional service agreements:

(B) Be signed by the presidents of each participating college;

(C) Specify the course(s) or program(s) to be delivered into the other college's service area;

(D) Specify the plan for delivery of the instruction;

(E) Specify the conditions and time frame for termination of the agreement; and

(F) Be maintained on file at all colleges involved for audit purposes.

(b) Level Two Instructional Service Agreement.

(1) Two or more colleges may jointly offer continuing education courses by providing a written, level two instructional service agreement under the following conditions:

(A) Resources are shared between the participating colleges;

(B) FTE may be shared between the participating colleges; and

- (C) One or more of the participating colleges is approved to offer a continuing education course approved by the State Board of Community Colleges.
- (2) The level two instructional service agreement shall:
- (A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level two instructional service agreements;
 - (B) Be signed by the president of each participating college;
 - (C) Specify the course(s) to be delivered to the other college's service area;
 - (D) Specify the plan for delivery of the instruction;
 - (E) Specify the proration of resources and FTE allocated for each college;
 - (F) Specify the conditions and time frame for termination of the agreement;
 - (G) Be filed with the System Office President prior to implementation of the course(s);
and
 - (H) Be maintained on file at all colleges involved for audit purposes.

History Note: Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L. 1995, c. 625;
Temporary Adoption Eff. October 31, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. May 1, 1995;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. [November 1, 2014](#); August 1, 2004; July 1, 1998.

State Board of Community Colleges Code
TITLE 1 – COMMUNITY COLLEGES

CHAPTER D. EDUCATION PROGRAMS

SUBCHAPTER 400. CURRICULUM

1D SBCCC 400.96 Instructional Service Agreements

(a) Level One Instructional Service Agreement.

(1) A college may offer curriculum courses in an area assigned to another college by providing a written, level one instructional service agreement under the following conditions:

(A) Resources are solely provided by the college requesting permission to enter into another college's service area; and

(B) The requesting college does not share the FTE with the other college(s).

For the purposes of this rule, “an area assigned to another college” shall include an online class that is set up to specifically target students in another college’s service area.

(2) The level one instructional service agreement shall:

(A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level one instructional service agreements:

(B) Be signed by the presidents of each participating college;

(C) Specify the course(s) or program(s) to be delivered into the other college's service area;

(D) Specify the plan for delivery of the instruction;

(E) Specify the conditions and time frame for termination of the agreement; and

(F) Be maintained on file at all colleges involved for audit purposes.

(b) Level Two Instructional Service Agreement.

(1) Two or more colleges may jointly offer curriculum courses by providing a written, level two instructional service agreement under the following conditions:

(A) Resources are shared between the participating colleges;

(B) FTE may be shared between the participating colleges;

- (C) One or more of the participating colleges is approved to offer the curriculum course(s) in an approved program of study; and
 - (D) A curriculum certificate, diploma or degree is not awarded.
- (2) The level two instructional service agreement shall:
- (A) Be approved by each local board of trustees unless the board has delegated authority to the president to enter into level two instructional service agreements;
 - (B) Be signed by the president of each participating college;
 - (C) Specify the course(s) to be delivered to the other college's service area;
 - (D) Specify the plan for delivery of the instruction;
 - (E) Specify the proration of resources and FTE allocated for each college;
 - (F) Specify the conditions and time frame for termination of the agreement;
 - (G) Be filed with the System Office President prior to implementation of the course(s); and
 - (H) Be maintained on file at all colleges involved for audit purposes.
- (c) Level Three Instructional Service Agreement.
- (1) Two or more colleges may jointly offer a curriculum program by providing a written, level three instructional service agreement under the following conditions:
- (A) Resources are shared between the participating colleges;
 - (B) FTE may be shared between the participating colleges;
 - (C) One or more of the colleges participating is approved by the State Board of Community Colleges to offer the curriculum program; and
 - (D) A curriculum certificate, diploma or associate degree is awarded.
- (2) The level three instructional service agreement shall:
- (A) Be approved by each participating board of trustees;
 - (B) Be signed by the board of trustees chair of each participating college;
 - (C) Be signed by the president of each participating college;
 - (D) Specify the program to be shared;
 - (E) Specify the plan for delivery of the program;
 - (F) Specify the proration of resources and/or FTE allocated for each college;
 - (G) Specify the conditions and time frame for termination of the agreement;

- (H) Certify that appropriate and adequate resources are available between participating colleges. Where feasible, joint utilization of physical facilities, equipment, materials, and instructional faculty shall be considered;
 - (I) Certify that the curriculum program meets the standards of the appropriate accrediting agency or licensing authority;
 - (J) Specify which college will grant the award;
 - (K) Specify that only the college providing the instruction will record the letter grade on the student transcript;
 - (L) Be approved by the System Office President prior to implementation of the program; and
 - (M) Be maintained on file at each participating college for audit purposes.
- (3) Notification of termination of a level three agreement shall be sent to the System Office President by the college which grants the award, prior to the effective termination date.
- (d) The delivery of curriculum courses or programs delivered into another college's service area via non-traditional delivery as defined in Rule 1G SBCCC 200.93(e)(1) does not require an instructional service agreement.
- (e) A college may not delegate curriculum program approval to another college. Program approval is granted by the State Board of Community Colleges using criteria set forth in Rule 1D SBCCC 400.95.

History Note: Authority G.S. 115D-5; S.L. 1993, 2nd session, c. 769, p. 18, s. 18; S.L. 1995, c. 625;

Temporary Adoption Eff. October 31, 1994, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. May 1, 1995;

Temporary Amendment Eff. June 1, 1997;

Amended Eff. [November 1, 2014](#); August 1, 2004; July 1, 1998.