



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

James C. Williamson, Ph.D.

President

24 October 2016

IMPORTANT INFORMATION

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents
Boards of Trustees Chairs
Community College Basic Skills Directors, Business Officers, Chief Academic Officers, Chief Admissions Officers, Chief Financial Officers, Continuing Education Officers, Customized Training Directors, Distance Learning, Financial Aid Officers, Human Resources Development, Public Information Officers, Registrars, Student Development Administrators, & Other Interested Parties

FROM: Q. Shanté Martin, *NCCCS General Counsel*

RE: **Substantive Changes - Proposed Amendment of 1E SBCCC 900.1 – “Curriculum Tuition Refunds”**

On 23 August 2016, the State Board of Community Colleges (“SBCC”) provided public notice that it initiated the rulemaking process to amend the following rule:

1E SBCCC 900.1 – “Curriculum Tuition Refunds”

The SBCC’s proposed language would allow a refund to a student if the State Education Assistance Authority changed a student’s classification from in-state to out-of-state for tuition purposes. The SBCC received public comments on the above rule through 22 September 2016. After consideration of the public comments, the SBCC is proposing changes to the proposed rule to amend 1E SBCCC 900.1 – “Curriculum Tuition Refunds.” The changes to the proposed amendment would constitute a substantive change under 3B SBCCC 100.2(l) and 300.1. The SBCC is proposing to add clarifying language to ensure that if the State Education Assistance Authority makes a final validation determination that a student is a nonresident for tuition purposes, as defined in G.S. 116-143.1(a), after the 10 percent point of the course section or academic term, as determined by local college policy and noted on the college calendar, the college will apply the nonresident tuition determination to the following term.

The proposed amendment including the substantive changes are 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 substantive changes indicated, is attached to this memorandum. The items highlighted are the changes that the SBCC approved. “Strikeouts” indicate deletion of prior suggested language and “underlines” indicate

the proposed addition of language. Please post a copy of the proposed rule with the substantive changes 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 substantive changes. 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 substantive changes must be received by no later than 5:00 p.m. on Tuesday, 1 November 2016.** Written comments shall be directed to the following email address: publiccomments@nccommunitycolleges.edu or via postal mail at Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001. Thank you for your attention to this matter.

CC16-042
E-mail Copy

Attachments



1 **State Board of Community Colleges Code**
2 **Title 1 – COMMUNITY COLLEGES**

3
4 **CHAPTER E. STUDENT TUITION AND FEES**

5
6 **SUBCHAPTER 900. REFUNDS**

7
8 **1E SBCCC 900. 1 Curriculum Tuition Refunds**

9 (a) The following definitions apply to this provision:

10 (1) "Academic period" – An academic term or subdivision of an academic term during
11 which a college schedules a set of course sections.

12 (2) "Non-regularly scheduled course section" – A course section that meets the
13 definition of "non-regularly scheduled course section" found in 1G SBCCC
14 200.93(c).

15 (3) "Off-cycle course section" – A regularly scheduled course section that is not offered
16 consistent with an academic period.

17 (4) "Officially Withdraw" – The removal of a student from a course section by one of
18 the following methods:

19 (A) The student notifies the authorized college official, as defined by the college's
20 published procedures for withdrawal, of the student's intent to disenroll in a
21 course section as outlined in the college's published procedures for
22 withdrawal; or

23 (B) The college removes the student from the course section because the college
24 cancels the course section or for any other reason authorized by written
25 college policy.

26 (5) "On-cycle course section" – A regularly scheduled course section that is offered
27 consistent with an academic period.

28 (6) "Regularly scheduled course section" – A course section that meets the definition
29 of "regularly scheduled course section" found in 1G SBCCC 200.93(b).

30 (b) Unless otherwise required by law, community colleges shall not issue a tuition refund
31 using State funds except under the following circumstances:

1 (1) On-Cycle Course Sections:

2 (A) A college shall provide a 100 percent refund to the student if the student
3 officially withdraws or is officially withdrawn by the college prior to the first day
4 of the academic period as noted on the college calendar.

5 (B) A college shall provide a 100 percent refund to the student if the college
6 cancels the course section in which the student is registered.

7 (C) After an on-cycle course section begins, a college shall provide a 75 percent
8 refund to the student if the student officially withdraws or is officially
9 withdrawn by the college from the course section prior to or on either of the
10 following, as determined by local college policy and noted on the college
11 calendar:

12 (i) The 10 percent point of the academic period, or

13 (ii) The 10 percent point of the course section.

14 (2) Off-Cycle Course Sections:

15 (A) A college shall provide a 100 percent refund to the student if the student
16 officially withdraws or is officially withdrawn by the college prior to the first day
17 of the off-cycle course section.

18 (B) A college shall provide a 100 percent refund to the student if the college cancels
19 the course section in which the student is registered.

20 (C) After an off-cycle course section begins, a college shall provide a 75 percent
21 refund to the student if the student officially withdraws or is officially withdrawn
22 by the college from the course section prior to or on the 10 percent point of the
23 course section.

24 (3) Non-Regularly Scheduled Course Sections:

25 (A) A college shall provide a 100 percent refund to the student if the student
26 officially withdraws or is officially withdrawn by the college prior to the first day
27 of the non-regularly scheduled course section.

28 (B) A college shall provide a 100 percent refund to the student if the college cancels
29 the course section in which the student is registered.

30 (C) After a non-regularly scheduled course section begins, a college shall provide
31 a 75 percent refund to the student if the student officially withdraws or is

1 officially withdrawn by the college from the non-regularly scheduled course
2 section prior to or on the 10th calendar day after the start of the course section.

3 (c) Notwithstanding section (b), if the State Education Assistance Authority makes a final
4 validation determination prior to the 10 percent point of the course section or academic
5 term, as determined by local college policy and noted on the college calendar, a
6 college shall provide a 100 percent refund using State funds if all of the following
7 conditions apply:

8 (1) At the time of the student's registration, the State Education Assistance Authority
9 made an initial determination~~determined~~ that the student was a resident for tuition
10 purposes, as defined in G.S. 116-143.1(a).

11 (2) After validation of the information provided in the student's residency application,
12 the State Education Assistance Authority subsequently determines that the
13 student was a nonresident for tuition purposes, as defined in G.S. 116-143.1(a).

14 (3) The student officially withdraws from the course section within 10 calendar days of
15 the college notifying the student of the change in residency status.

16 (c1) If the State Education Assistance Authority makes a final validation determination
17 that a student is a nonresident for tuition purposes, as defined in G.S. 116-143.1(a),
18 after the 10 percent point of the course section or academic term, as determined by
19 local college policy and noted on the college calendar, the college shall apply the
20 nonresident tuition determination to the following term.

21
22 *History Note: Authority G.S. 115D-5; G.S. 115D-39;*

23 *Eff. ~~May 16, 2014.~~ May 16, 2014;*

24 *Amended Eff. February 1, 2017.*