



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

James C. Williamson, Ph.D.

President

21 August 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, Distance Learning, Chief Financial Officers, Financial Aid Officers, Planners, Public Information Officers, Registrars, Student Development Administrators, & Other Interested Parties
- FROM:** Q. Shanté Martin, *NCCCS General Counsel*
- RE:** **Proposed Adoption of 1G SBCCC Subchapter 400 – “FTE Reporting Accountability”**

The State Board of Community Colleges has initiated the rulemaking process to adopt **1G SBCCC Subchapter 400 - “FTE Reporting Accountability”** to establish rules regarding FTE Reporting Accountability pursuant to G.S. 115D-5(m). 1G SBCCC Subchapter 300 is reserved for future codification. The requirement to adopt rules was included in legislation enacted through the 2015 Appropriations Act. The rules will govern the Compliance Services function, including the frequency, scope, and standard of materiality used when conducting compliance reviews.

The proposed amendments 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 rules, with the changes indicated, are attached to this memorandum. Please post a copy of the proposed rules 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 rules. 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 September 20, 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 September 5, 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.

**CC17-036
E-mail Copy**

Attachments



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: 21 August 2017

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Adopt 1G SBCCC Subchapter 400 - "FTE Reporting Accountability" and Reserve 1G SBCCC Subchapter 300 for Future Codification
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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:	1G SBCCC Subchapter 400 – "FTE Reporting Accountability" is proposed for adoption to establish rules regarding FTE Reporting Accountability pursuant to G.S. 115D-5(m). 1G SBCCC Subchapter 300 is reserved for future codification. The requirement to adopt rules was included in legislation enacted through the 2015 Appropriations Act. The rules will govern the Compliance Services function, including the frequency, scope, and standard of materiality used when conducting compliance reviews.
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Proposed Effective Date of Rule	December 1, 2017
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State Board of Community Colleges Code
TITLE 1 – COMMUNITY COLLEGES

CHAPTER G. FULL-TIME EQUIVALENT (FTE)

SUBCHAPTER 300. RESERVED FOR FUTURE CODIFICATION

SUBCHAPTER 400. FTE REPORTING ACCOUNTABILITY

1G SBCCC 400.1 General Provisions

The State Board shall maintain an accountability function to ensure the credibility of the number of budget FTE students reported to the General Assembly for funding purposes and the equitable distribution of State and federal funds among the colleges. This function shall include periodic reviews of college compliance with the provisions in Title 1, Chapter G and in Title 1, Chapter E of the State Board Code, and any rules referenced therein. This function shall also include opportunities for colleges to receive coaching from the System Office on areas of potential risk of non-compliance, sound documentation practices, and the use of mitigating controls.

History Note: Authority G.S. 115D-5(m);

Eff. December 1, 2017.

1G SBCCC 400.2 Definitions

(a) “Compliance review” - A periodic, objective assessment of college compliance with State laws and State Board rules governing the reporting of data used as the basis of college budget allocations as well as the charging and waiving of tuition and registration fees, as defined in 1E SBCCC 100.1.

(b) “High Risk” –

(1) Course sections in which the majority of students receive a tuition or registration fee waiver as provided under Subchapter 800 of Title 1, Chapter E;

(2) Course sections provided completely asynchronously online; or

1 (3) Course sections held in facilities that are not owned or under long-term lease by
2 the college.

3 (c) “Material” or “Material finding” – A finding is material if the number of FTE for which
4 documentation does not satisfy the conditions listed in 1G SBCCC 400.3(c)(1)
5 exceeds one percent of the sample reviewed for a particular programmatic area
6 (Curriculum, Continuing Education, and Basic Skills).

7 (d) “Statistically valid sample” – A sample of course section records that provides a ninety-
8 five percent (95%) confidence level that the sample is representative of the relevant
9 population of course section records.

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11 History Note: Authority G.S. 115D-5(m);
12 Eff. December 1, 2017.

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14 **1G SBCCC 400.3 Compliance Reviews**

15 (a) Frequency. The System Office shall conduct a compliance review of each college
16 once every two fiscal years unless the college’s prior year review has material
17 findings. If a compliance review has material findings, the System Office shall conduct
18 a compliance review during the subsequent fiscal year. If a college is not scheduled
19 for a compliance review in a particular year, the college president may request the
20 System Office conduct one, subject to the availability of resources.

21 (b) Period of Review. Compliance reviews shall review a sample of records for college-
22 funded basic skills, continuing education, and curriculum course sections for which
23 FTE was reported for the Summer, Fall, and Spring terms completed immediately
24 preceding the end (June 30) of the most recently completed fiscal year.

25 (c) Compliance Review Components. A compliance review shall include the following
26 components:

27 (1) Review of Course Section Sample. System Office Compliance Services staff shall
28 review a statistically valid sample of course section records to ensure a college
29 has reported FTE that is included in budget full-time equivalent (BFTE) calculations
30 consistent with the provisions of this Chapter. For each course section in the

1 review sample, System Office Compliance Services staff shall determine whether
2 the following conditions were satisfied:

3 (A) The college did not report FTE for activities disallowed in 1G SBCCC 200.95.

4 (B) The State Board has approved the college to provide the course.

5 (C) It is appropriate for the FTE associated with the course section to be included
6 in BFTE calculations per 1G SBCCC 100.99.

7 (D) Any minors enrolled in a basic skills, continuing education, or curriculum course
8 section have met the requirements of 1D SBCCC 200.95, 1D SBCCC 300.4(c),
9 or 1D SBCCC 400.99, respectively.

10 (E) The number of FTE reported by the college for the course section complies
11 with Subchapter 200 of Title 1, Chapter G of the SBCCC.

12 (F) The course section took place in the college's service area or the appropriate
13 instructional services agreement was executed. If instruction was delivered
14 under an instructional service agreement, the FTE was pro-rated (if applicable)
15 consistent with the terms of the agreement.

16 (G) The instruction was provided either through a college-employed instructor or
17 through a third-party contract that complies with contracted instruction rules in
18 Title 1, Chapter D of the SBCCC.

19 (H) The college charged or waived the applicable tuition or registration fees
20 consistent with the rules in Title 1, Chapter E of the SBCCC.

21 (2) Review of Internal Class Visits. Each college shall include a local plan to visit a
22 sample of continuing education course sections as part of the Continuing
23 Education Internal Program Accountability Plan required under 1D SBCCC
24 300.4(a). System Office Compliance Services staff shall review documentation to
25 ensure the college is following its internal class visit plan, but no other components
26 of this plan shall be reviewed by the compliance examiner.

27 (d) Financial reversions. (Reserved for future codification)

28 (e) Compliance Review Findings. Compliance Services shall provide a written report of
29 any material compliance review findings to the college president, local college board
30 of trustees, the State Board of Community Colleges, and the State Auditor. If a college
31 disagrees with any of the findings in the report, the college president may submit a

1 written appeal to the State Board of Community Colleges (SBCC). The written appeal
2 shall identify one or more of following bases for appeal and provide evidence in
3 support of each basis for appeal:

4 (1) One or more compliance review findings are outside the scope of the factors listed
5 in 1G SBCCC 400.3(c);

6 (2) One or more compliance review findings constitute an error in application of the
7 law; or

8 (3) One or more compliance review findings constitute an error in fact.

9 The college must submit the written appeal within 30 days of receipt of the compliance
10 review report. The Accountability and Audit Committee of the State Board of
11 Community Colleges shall review the appeal and make its recommendation to the full
12 State Board. The Accountability and Audit Committee of the State Board of
13 Community Colleges will base its recommendation on whether the college established
14 more likely than not that each compliance review finding under appeal satisfied either
15 of the factors listed above in 1G SBCCC 400.3(e)(1) – (e)(3).

16 (f) Compliance Review Advisory Committee.

17 (1) The Committee shall be composed of the following members, each of whom shall
18 serve for a three-year term:

19 (A) Three college presidents appointed by the President of the North Carolina
20 Association of Community College Presidents.

21 (B) Two instructional administrators appointed by the President of the North
22 Carolina Association of Community College Instructional Administrators.

23 (C) One continuing education administrator and one basic skills director appointed
24 by the President of the North Carolina Community College Adult Educators
25 Association.

26 (D) One continuing education administrator appointed by the Continuing Education
27 Leadership Committee established under 1D SBCCC 300.5(b)(2).

28 (E) One curriculum registrar/records manager appointed by the President of the
29 Student Development Administrators Association.

1 (F) One continuing education registrar/records manager appointed by the
2 Continuing Education Leadership Committee established under 1D SBCCC
3 300.5(b)(2).

4 (G)The designee of the North Carolina Community College System President, who
5 will be responsible for convening the Advisory Committee at least biannually.

6 (H)The designee of the State Auditor, who will serve as a non-voting member.

7 (2) No member of the Compliance Review Advisory Committee shall serve more than
8 two consecutive terms of three years on the Committee. This limitation does not
9 prohibit an individual from serving future terms after a period of non-service.

10 (3) The Compliance Review Advisory Committee is responsible for receiving college
11 feedback about the compliance review process and making recommendations to
12 the State Board of Community Colleges on desired policy changes and to the North
13 Carolina Community College System Office on desired procedural changes. The
14 Committee shall report to the Accountability and Audit Committee of the State
15 Board at least annually on any recommendations.

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17 History Note: Authority G.S. 115D-5(m);

18 Eff. December 1, 2017.

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20 **1G SBCCC 400.4 Special Reviews**

21 Upon request of the college president, a majority vote of a college board of trustees, or
22 the North Carolina Community College System President, North Carolina Community
23 College System Office Compliance Services staff may conduct a special review to
24 investigate any concern identified by the college or System President, as applicable,
25 related to the reporting of data used as the basis of college budget allocations or the
26 charging and waiving of tuition and registration fees. A special review may include class
27 visits and a review of records beyond the documents requested through a compliance
28 review conducted under 1G SBCCC 400.2.

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30 History Note: Authority G.S. 115D-5(m);

31 Eff. December 1, 2017.