



## NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

*Peter Hans, President*

22 January 2020

### MEMORANDUM

- TO:** Members of the State Board of Community Colleges  
Community College Presidents  
Chairs of the Boards of Trustees  
Community College Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Distance Learning, Chief Financial Officers, Continuing Education Officers, Financial Aid Officers, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties
- FROM:** Jonathan R. Harris, *NCCCS General Counsel*
- RE:** **Proposed Amendment of 1G SBCCC 200.94 – Reporting of Student Hours in Membership for Continuing Education Classes**
- Proposed Amendment of 1E SBCCC 900.2 – Continuing Education Registration Fee Refunds**

The State Board of Community Colleges (“SBCC”) has initiated the rulemaking process to amend both 1G SBCCC 200.94 – Reporting of Student Hours in Membership for Continuing Education Classes and 1E SBCCC 900.2 – Continuing Education Registration Fee Refunds. The proposed amendment of 1G SBCCC 200.94 clarifies the census date calculation for continuing education courses and how FTEs are counted in these courses. The amendment also defines and lists criteria for “independently scheduled” courses. The proposed amendment to 1E SBCCC 900.2 describes when a college can issue a registration fee refund for an “independently scheduled” course section.

The proposed amendments are published on the NC Community College System's website, [www.nccommunitycolleges.edu/sbcccode](http://www.nccommunitycolleges.edu/sbcccode). For your convenience, copies of the proposed rules, with the changes indicated, are attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language. Please post copies 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 public comments 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 20 February 2020.** 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 5 February 2020.** Written comments and requests for hearing shall be directed to the following address: Jonathan Harris, 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.

**CC20-013**  
**E-mail Copy**

Attachments



# State Board of Community Colleges Co

## Notice of Proposed Rulemaking Form

Date: 22 January 2020

|   |   |
|---|---|
| <b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b> | Amend 1G SBCCC 200.94 - "Reporting of Student Hours in Membership for Continuing Education Classes" |
|---|---|

Specify whether the SBCC proposes to adopt amend, or repeal a rule:

| Adopt<br>(new rule)      | Amend<br>(change existing rule)     | Repeal<br>(delete entire rule) |
|--------------------------|-------------------------------------|--------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |

|  |   |
|--|---|
| <b>Rationale for proposed adoption, amendment or repeal:</b> | Proposed Amendment provides language for Colleges to address delivery needs for "Independently Scheduled" course sections. Existing Language of extension Non-Traditional Delivery" does not provide sufficient direction to allow Continuing Education Programs to provide training in online environments where delivery does not meet the definitions in 1G SBCCC 200.94(a) and 1G SBCCC 200.94.(b). |
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|  |               |
|--|---------------|
| <b>Proposed Effective Date of Rule</b> | April 1, 2020 |
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# State Board of Community Colleges Co

## Notice of Proposed Rulemaking Form

Date: 22 January 2020

|   |  |
|---|--|
| <b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b> | Amend 1E SBCCC 900.2 - "Continuing Education Registration Fee Refunds" |
|---|--|

Specify whether the SBCC proposes to adopt amend, or repeal a rule:

| <b>Adopt<br/>(new rule)</b> | <b>Amend<br/>(change existing<br/>rule)</b> | <b>Repeal<br/>(delete entire<br/>rule)</b> |
|-----------------------------|---|--|
|                             | X   |  |

|  |   |
|--|---|
| <b>Rationale for proposed adoption, amendment or repeal:</b> | Aligns language with requested amendments to 1G SBCCC 200.94. |
|--|---|

|  |               |
|--|---------------|
| <b>Proposed Effective Date of Rule</b> | April 1, 2020 |
|--|---------------|



1                   **State Board of Community Colleges Code**  
2                   **TITLE 1. COMMUNITY COLLEGES**

3  
4                   **CHAPTER G. FULL-TIME EQUIVALENT (FTE)**

5  
6                   **SUBCHAPTER 200. FTE REPORTING CATEGORIES/CRITERIA**

7  
8                   **1G SBCCC 200.94 Reporting of Student Hours in Membership for Continuing**  
9                   **Education Classes Course Sections**

10  
11                   (a) Definitions.

12                   (1) Synchronous. Teaching method in which instructor(s) and students are engaging  
13                   in learning at the same time.

14                   (2) Asynchronous. Teaching method that uses learning resources to facilitate  
15                   information sharing outside the constraints of time.

16                   (3) Census Date. Date marking the end of the add/drop period for a course section.

17                   ~~(b)-(a) Regularly Scheduled-Class~~ Course Sections.

18                   (1) Definition of Regularly Scheduled-Class Course Section. A-class course section  
19                   is considered to be regularly scheduled if it meets all of the following criteria:

20                   (A) Has an Assigned definite beginning and ending time;

21                   (B) Has Specific predetermined days and time the-class course section meets;

22                   ~~(C) Specific schedule is included on the Institution Master Schedule or other official~~  
23                   ~~college documents;~~

24                   (C) Students may enroll during the initial college registration period or at any time  
25                   prior to the census date of the course section.

26                   (i) Census date shall be determined from the calculation of the total scheduled  
27                   course section hours divided by 10 (ten) and applying the rounded whole  
28                   number to the beginning hours of the course section; and

29                   ~~(D) Class hours are assigned consistent with State Board approval and official~~  
30                   ~~college documents~~ The course section is consistent with course standards as  
31                   defined in 1D SBCCC 300.5(c).; and

32                   ~~(E) Identified class time T~~imes and dates are the same for all students registered  
33                   for the-class course section excluding clinical or work experience.

1G SBCCC 200.94 is amended as follows:

- 1 (i) ~~Classes~~ Course sections which have a regularly scheduled lecture section  
2 and a non-regularly scheduled laboratory or clinical section will satisfy the  
3 criteria. The census date ~~(10% point)~~ shall be determined from the regularly  
4 scheduled portion of the ~~class~~ course section. Verification of student  
5 participation in the laboratory or clinical section of the ~~class~~ course section  
6 shall be available for review.
- 7 (ii) A student is considered absent if that student did not attend during the  
8 specified times or days the ~~class~~ course section was scheduled to meet.
- 9 (2) Definition of Student Membership. A student is considered to be in ~~class~~ course  
10 section membership when the student meets all of the following criteria:  
11 (A) Enrolled as evidenced by payment of the applicable registration fees or  
12 obtained a waiver consistent with 1E SBCCC Subchapter 800.  
13 (B) Attended one or more ~~classes~~ scheduled dates within the course sections held  
14 prior to or on the ~~10 percent point in~~ census date of the ~~class~~ course section as  
15 defined in 1G SBCCC 200.94(b)(1)(C)(i); and  
16 (C) Has not withdrawn or dropped the ~~class~~ course section prior to or on the ~~10~~  
17 ~~percent point~~ census date of the ~~class~~ course section.
- 18 (3) Student Membership Hour. A student membership hour is one hour of scheduled  
19 ~~class~~ course section or laboratory for which the student is enrolled. A college shall  
20 provide a minimum of 50 minutes of instruction for each scheduled ~~class~~ course  
21 section hour. A college shall not report more hours per student than the number  
22 of ~~class~~ course section hours scheduled in official college documents. Colleges  
23 shall not report more hours per student than the number of hours specified in the  
24 instructor's contract.
- 25 (4) Calculation of Student Membership Hours for Regularly Scheduled ~~Classes~~  
26 Course Sections. Student membership hours are obtained by multiplying the  
27 number of students in membership at the ~~10 percent point in the class~~ census date  
28 of the course section by the total number of hours the ~~class~~ course section is  
29 scheduled to meet as stated in official college documents.
- 30 (5) Maintenance of Records of Student Membership Hours. Accurate attendance  
31 records shall be maintained for each ~~class~~ course section. Attendance records

1G SBCCC 200.94 is amended as follows:

1 shall be signed by the instructor or lead instructor, verifying their accuracy, and  
2 shall be maintained by the college until released from all compliance reviews as  
3 provided in the Public Records Retention & Disposition Schedule for Institutions in  
4 the Community College System. Student membership hours shall be summarized  
5 in the Institution's Class Report and certified by the president or designee.

6 ~~(c)(b)~~ ~~Non-Regularly Scheduled Classes~~ Course Sections.

7 (1) ~~Definition of Non-Regularly Scheduled Class~~ Course Section. A non-regularly  
8 scheduled ~~class may include any or all of the following:~~ course section shall be  
9 consistent with course standards as defined in 1D SBCCC 300.5(c). Any course  
10 section that does not meet the definition of regularly scheduled pursuant to 1G  
11 SBCCC 200.94(b)(1) or the definition of independently scheduled pursuant to 1G  
12 SBCCC 200.94(d)(1) is considered a non-regularly scheduled course section. A  
13 non-regularly scheduled course section may have any or all of the following  
14 features:

15 (A) ~~A class~~ course section where a definitive beginning and ending time is not  
16 determined;

17 (B) ~~A class~~ course section offered in a learning laboratory ~~type~~ setting (see  
18 Subparagraph ~~(b)~~(c)(6) of this Rule for definition of learning laboratory);

19 (C) A self-paced ~~class~~ learning where the student progresses through the  
20 instructional materials at the student's own pace and can complete the courses  
21 as soon as the student has successfully met the educational objectives.  
22 ~~Classes~~ Course sections offered as independent study are generally offered in  
23 this manner;

24 (D) ~~A class in which a student~~ Students may enroll during the initial college  
25 registration period or at any time during the semester; or

26 ~~(E) Any class not meeting all criteria for a regularly scheduled course section as~~  
27 ~~shown in Subparagraph (a)(1) of this Rule, is considered to be a non-regularly~~  
28 ~~scheduled class for reporting purposes. Note classes defined as non-traditional~~  
29 ~~(see Paragraph (c) of this Rule) which are identified as a separate student hour~~  
30 ~~reporting category are not subject to the provisions in Paragraph (b) of this~~  
31 ~~Rule.~~

1G SBCCC 200.94 is amended as follows:

- 1 (2) Definition of Student Membership. A student is considered to be in-class course  
2 section membership when the student meets the following criteria:  
3 (A) Enrolled as evidenced by payment of the applicable registration fees, or  
4 obtained a waiver consistent with 1E SBCCC Subchapter 800; and  
5 (B) Attended one or more ~~classes~~ scheduled dates within a course section.
- 6 (3) Definition of Student Contact Hour. A student contact hour is one hour of student  
7 attendance in a ~~class~~ course section for which the student is in membership as  
8 defined in Subparagraph ~~(b)~~(c)(2) of this Rule. Sixty minutes shall constitute an  
9 hour.
- 10 (4) Calculation of Student Contact Hours for Non-Regularly Scheduled ~~Classes~~  
11 Course Sections. For these ~~classes~~ course sections, actual time of-class course  
12 section attendance for each student determined to be in membership shall be  
13 reported. Sixty minutes shall constitute an hour. Student contact hours for these  
14 ~~classes~~ course sections are the sum of all the hours of actual student attendance  
15 in a ~~class~~ course section in a given semester.
- 16 (5) Maintenance of Records of Student Contact Hours. Accurate attendance records  
17 shall be maintained for each ~~class~~ course section. Attendance records shall be  
18 signed by the instructor or lead instructor, verifying their accuracy, and shall be  
19 maintained by the college until released from all compliance reviews as provided  
20 in the Public Records Retention and Disposition Schedule for Institutions in the  
21 Community College System. Student membership hours shall be summarized in  
22 the Institution Class Report and certified by the president or designee.
- 23 (6) Learning Laboratory. Learning laboratory programs consist of self-instruction  
24 using programmed text, audio-visual equipment, and other self-instructional  
25 materials. A learning laboratory coordinator has the function of bringing the  
26 instructional media and the student together on the basis of objective and  
27 subjective evaluation and of counseling, supervising, and encouraging persons  
28 working in the laboratory. Contact hours shall be calculated as noted in  
29 Subparagraph ~~(b)~~(c)(4) of this Rule.
- 30 ~~(c) Classes Identified as Extension Non-Traditional Delivery.~~



1G SBCCC 200.94 is amended as follows:

1 ~~(1) Definition. — Due to the methodology by which instruction is delivered,~~  
2 ~~non-traditional delivery classes are not consistent with the definitions of regularly~~  
3 ~~scheduled or non-regularly scheduled classes described in this Rule.~~  
4 ~~Non-traditional delivery classes are defined as those classes which are offered~~  
5 ~~through media such as internet, telecourses, videocassette, and other electronic~~  
6 ~~media excluding classes offered via the North Carolina Information Highway.~~

7 ~~(2) For those classes identified as non-traditional delivery, student attendance in class~~  
8 ~~or in an orientation session, submission of a written assignment or a submission~~  
9 ~~of examination is the basis for the determination of class membership at the 10~~  
10 ~~percent point of the class. Student membership hours in such classes shall be~~  
11 ~~calculated by multiplying the number of students in membership, as defined in the~~  
12 ~~prior sentence, times the number of instructional hours delivered which are~~  
13 ~~determined as follows:~~

14 ~~(A) Determine the number of hours of instruction delivered via non-traditional~~  
15 ~~delivery; and~~

16 ~~(B) Add the number of hours of class meetings.~~

17 ~~(d) The Adult High School Diploma work experience shall not exceed 160 hours per~~  
18 ~~student.~~

19 (d) Course Section Identified as Independently Scheduled.

20 (1) A course section is considered independently scheduled if it meets all the following  
21 criteria:

22 (A) A course section where definitive begin and end times are not defined.

23 (B) Instructional content is delivered asynchronously.

24 (C) A course section in which a student may enroll during the initial college  
25 registration period or in which a student may be permitted to enroll at any time prior  
26 to the census date of the course section.

27 (i) The census date shall be determined from the calculation of the total  
28 scheduled course section hours divided by four (4) and applying the  
29 rounded whole number from the end date of the course section. If the  
30 calculated number equals one (1) or less than one (1) then the penultimate

1G SBCCC 200.94 is amended as follows:

1 date is the census date. No census date shall be applied on the end date of  
2 the course section.

3 (2) Definition of Student Membership: A student is considered to be in course section  
4 membership when the student meets the following criteria:

5 (A) Enrolled as evidenced by payment of the applicable registration fees or  
6 obtained a waiver consistent with 1E SBCCC Subchapter 800.

7 (B) Accessed instructional content prior to or on the census date of the course  
8 section as defined in 1G SBCCC 200.94(d)(1)(C)(i); and

9 (C) Has not withdrawn or dropped the course section prior to or on the census date  
10 of the course section.

11 (3) Student Membership Hour. A student membership hour is one hour of scheduled  
12 instructional content. A college shall not report more hours per student than the  
13 number of course section hours scheduled in official college documents. Colleges  
14 shall not report more hours per student than the number of hours specified in the  
15 instructional contract.

16 (4) Calculation of Student Membership Hours. Student membership hours are  
17 obtained by multiplying the number of students in membership at the census date  
18 in the course section by the total number of instructional hours scheduled as stated  
19 in official college documents.

20 (5) Maintenance of Records of Student Membership Hours. Accurate course content  
21 participation records shall be maintained for each course section. Records shall  
22 be signed by the instructor or lead instructor, verifying their accuracy, and shall be  
23 maintained by the college until released from all compliance reviews as provided  
24 in the Public Records Retention and Disposition Schedule for Institutions in the  
25 Community College System. Student membership hours shall be summarized in  
26 the Institution Class Report and certified by the president or designee.

27  
28 *History Note: Authority G.S. 115D-5; S.L. 1995, c. 625;*

29 *Amended Eff. \_\_\_\_\_*

30 *Eff. September 1, 1988;*

31 *Amended Eff. September 1, 1993;*

1G SBCCC 200.94 is amended as follows:

- 1                    *Temporary Amendment Eff. June 1, 1997;*
- 2   *Amended Eff. [September 1, 2018](#); May 1, 2017; December 1, 2012; August 1, 2004;*
- 3   *August 1, 2000; July 1, 1998.*

1E SBCCC 900.2 is amended as follows:



1                                   **State Board of Community College Code**  
2                                   **TITLE 1 – COMMUNITY COLLEGES**

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

5  
6                                   **SUBCHAPTER 900.    REFUNDS**  
7

8   **1E SBCCC 900.2 Continuing Education Registration Fee Refunds**

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

10       (1) “Non-regularly scheduled course section” – A course section that meets the  
11           definition of “non-regularly scheduled course section” found in 1G SBCCC  
12           200.94(b).

13       (2) “Officially withdraw” – See definition in 1E SBCCC 900.1(4).

14       (3) “Regularly scheduled course section” – A course section that meets the definition  
15           of “regularly scheduled course section” found in 1G SBCCC 200.94(a).

16       (4) “Independently scheduled course section” – A course section that meets the  
17           definition of “independently scheduled course section” found in 1G SBCCC  
18           200.94(d).

19   (b) Unless otherwise required by law, community colleges shall not issue a registration  
20       fee refund using State funds except under the following circumstances:

21       (1) A college shall provide a 100 percent refund to the student if the student officially  
22           withdraws or is officially withdrawn by the college from the course section prior to  
23           the first course section meeting.

24       (2) A college shall provide a 100 percent refund to the student if the college cancels  
25           the course section in which the student is registered.

26       (3) After a regularly scheduled or independently scheduled course section begins, the  
27           college shall provide a 75 percent refund upon the request of the student if the  
28           student officially withdraws or is officially withdrawn by the college from the course  
29           section prior to or on the ~~40 percent point~~ census date, as defined in 1G SBCCC  
30           200.94(b)(C)(i) or 1G SBCCC 200.94(d)(C)(i), of the scheduled hours of the course

1E SBCCC 900.2 is amended as follows:

1 section. This sub-section applies to all course sections except those course  
2 sections that begin and end on the same calendar day. Colleges shall not provide  
3 a student a refund using State funds after the start of a course section that begins  
4 and ends on the same calendar day.

5 (4) After a non-regularly scheduled course section begins, the college shall provide a  
6 75 percent refund upon the request of the student if the student withdraws or is  
7 withdrawn by the college from the course section prior to or on the 10th calendar  
8 day after the start of the course section.

9

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

11 *Eff. [May 16, 2014](#).*

12 *Amended Eff.*