

**NUMBERED MEMO CC24-053**

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

**FROM:** Jonnell Carpenter, *NCCCS General Counsel*

**SUBJECT:** Waiver of State Board of Community Colleges Code Provisions Due to Hurricane Helene

**DATE:** October 24, 2024

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On October 18, 2024, the State Board of Community Colleges voted to waive various SBCC Code provisions to assist with support and recovery from Hurricane Helene. Please see the attached SBCC Board item detailing the waivers.

CC24-053

E-mail Copy  
Attachments

## STATE BOARD OF COMMUNITY COLLEGES

### Waiver of State Board of Community Colleges Code Provisions Due to Hurricane Helene

**Request:** The State Board of Community Colleges (SBCC) is requested to waive SBCC Code provisions itemized below to assist with recovery from Hurricane Helene.

**Authority:** In accordance with 1A SBCCC 200.3, the State Board has the authority to waive any existing rule or portion of a rule in the SBCC Code to address 1) a serious or unforeseen threat to the public health or safety; or 2) an unforeseen circumstance where the State Board finds that adherence to the notice and hearing requirements in the SBCC Code would be contrary to the public interest of students or other community college stakeholders.

**Basis for the Waiver:** Due to the devastating impact of Hurricane Helene, many colleges are forced to cancel classes and/or close their institutions – in some instances for an extended period – in the interest of public safety. Many students have experienced significant storm-related losses, impacting their ability to continue their education as planned. The State Board is requested to waive certain SBCC Code provisions in the public interest of promoting student retention and mitigating storm-related damage to colleges.

**General Waiver Conditions:** The following definitions shall apply to the waiver of the SBCC Code provisions:

- “Impacted college” is defined as a college located in a county or tribal area identified for immediate federal help by the Federal Major Disaster Declaration (FEMA-4827-DR) as a result of Hurricane Helene.
- “Impacted student” is defined as a student who meets at least one of the following criteria:
  - (1) The student was enrolled as of September 26, 2024, at an impacted college.
  - (2) The student resided, as of September 26, 2024, temporarily or permanently, in a county or tribal area identified for immediate federal help by the Federal Major Disaster Declaration (FEMA-4827-DR) as a result of Hurricane Helene.

**Waived SBCC Code Provisions, Specific Conditions, and Waiver Duration:**

- Notwithstanding 1H SBCCC 300.3, an impacted college may use excess bookstore revenues for repair projects or equipment replacements that are a result of damage caused by Hurricane Helene and are not covered by insurance or FEMA reimbursements. This waiver shall apply through Spring 2026.
- Notwithstanding 1E SBCCC 200.2(c), a college may enroll, distribute an academic credential, or issue a transcript to an impacted student with an outstanding balance for tuition, registration fees, or other monetary obligation arising as a result of Hurricane Helene. This waiver shall apply through Spring 2026.
- Notwithstanding 1E SBCCC 200.1(a), 1E SBCCC 300.1(b), and 1E SBCCC 400.1(b), if an impacted student is unable to complete one or more Fall 2024 courses due to circumstances arising from Hurricane Helene, a college may apply tuition paid by the

impacted student for those courses to offset the tuition for courses the impacted student enrolls in Spring 2025, Summer 2025, Fall 2025, or Spring 2026 terms.

- Notwithstanding 1D SBCCC 400.8, a college may waive a prerequisite required by the Combined Course Library for an impacted student if the Chief Academic Officer or designee determines the impacted student has adequate prior knowledge to successfully perform in the course. This waiver shall apply through the Spring 2026 term.
- Notwithstanding 1E SBCCC 700.2, an impacted college may use student activity fees to address impacts associated with Hurricane Helene. This waiver shall apply through the Spring 2025 term.