

NUMBERED MEMO CC25-004

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, Distance Learning, Financial Aid Officers, Personnel Officers, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties

FROM: Jonnell Carpenter, *NCCCS General Counsel*

SUBJECT: Proposed Amendment to 2B SBCCC 400.2 – Notice of Refusal and Right to Hearing

DATE: January 23, 2025

On January 17, 2025, the State Board of Community Colleges initiated the rulemaking process to amend **2B SBCCC 400.2 – Notice of Refusal and Right to Hearing**. The proposed amendment would formally implement the changes previously approved by the State Board of Community Colleges during its January 16, 2020 meeting. The proposed amendment is published on the NC Community College System's website, [Numbered Memos - NCCCS \(ncccommunitycolleges.edu\)](https://www.ncccommunitycolleges.edu). For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language.

Any member of the public has the right to submit written comments on the proposed rule. 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 rule must be received by no later than 5:00 p.m. on February 22, 2025.** Any member of the public has the right to request a hearing on the proposed rule. **Requests for a hearing must be received by no later than 5:00 p.m. on February 7, 2025.**

Written comments and requests for hearing shall be directed to the following address: Jonnell Carpenter, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to publiccomments@nccommunitycolleges.edu. Thank you for your attention to this matter.

CC25-004
Email Copy

Attachment



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: January 23, 2025

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amend 2B SBCCC 400.2 – Notice of Refusal and Right to Hearing
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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:	The amendment was previously approved by the State Board of Community Colleges during its January 16, 2020 meeting, but it was never formally implemented.
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Proposed Effective Date of Rule	May 1, 2025
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2B SBCCC 400.2 is proposed for amendment as follows:



1 **State Board of Community College Code**
2 **TITLE 2 – PROPRIETARY SCHOOLS**

3
4 **CHAPTER B. DUE PROCESS**

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6 **SUBCHAPTER 400. REFUSAL TO ISSUE OR RENEW LICENSE**

7
8 **2B SBCCC 400.2 Notice of Refusal and Right to Hearing**

9 (a) If the SBPS recommends refusal of a proprietary school’s initial license or
10 recommends nonrenewal of a proprietary school’s license, the SBPS, by and through
11 the Executive Director of the Office of Proprietary Schools~~its Executive Director~~, shall
12 document the rationale for its recommendation in a document to be titled, “Refusal to
13 Recommend Initial Licensure or License Renewal.”

14 (b) The Executive Director shall send a copy of the “Refusal to Recommend Initial
15 Licensure or License Renewal” to the chief administrator of the proprietary school at
16 issue within five business days of the SBPS’ recommendation with a copy to the
17 following: 1) the Chair of the SBPS; 2) the NCCCS General Counsel; and 3) the
18 NCCCS Executive Director of Communications.

19 (c) In the “Refusal to Recommend Initial Licensure or License Renewal,” the Executive
20 Director shall advise the chief administrator or other agent of the proprietary school at
21 issue of the right to provide a response and request an informal hearing with the SBPS
22 prior to the SBCC’s final agency decision to grant or deny licensure. The response
23 and request for hearing must be in writing and signed by the chief administrator or
24 other authorized agent of the proprietary school, and it must be issued to the Executive
25 Director on behalf of the SBPS within 10 business days of receiving the “Refusal to
26 Recommend Initial Licensure or License Renewal.”

27 (d) If the Executive Director does not receive the proprietary school’s written response
28 and request for hearing within 10 business days from the date the school received the
29 “Refusal to Recommend Initial Licensure or License Renewal” notice, the Executive
30 Director shall submit the SBPS recommendation and “Refusal to Recommend Initial
31 Licensure or License Renewal” to the SBCC. The SBCC shall consider the

1 recommendation at its next regularly scheduled meeting and vote to grant licensure
2 or deny licensure to operate one or more programs. The SBCC action to grant or
3 deny licensure shall become the SBCC's final agency decision on the proprietary
4 school's application. Within five (5) business days of the SBCC's action, the NCCCS
5 General Counsel shall notify the proprietary school of the SBCC's final decision.

6 (e) If the Executive Director receives a written response and request for hearing within 10
7 business days of the proprietary school administrator's receipt of the "Refusal to
8 Recommend Initial Licensure or License Renewal" notice, the Executive Director shall
9 submit the written response and request for hearing to the following: 1) the Chair of
10 the SBPS; 2) the NCCCS General Counsel; and 3) the NCCCS Director of
11 Communications. The SBPS shall calendar the informal hearing within 60 days of the
12 Executive Director's receipt of the written response and request for hearing.

13
14 *History Note: Authority G.S. 115D-89; 115D-93;*

15 *Eff. [February 1, 2020](#).*

16 *Amended Eff. _____*

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