

North Carolina Community College System

Dr. Jeff A. Cox

President

200 W. Jones St., Raleigh NC 27603

NUMBERED MEMO CC25-005

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 400.3 – Hearing Process

DATE: January 23, 2025

On January 17, 2025, the State Board of Community Colleges initiated the rulemaking process to amend **2B SBCCC 400.3 – Hearing Process**. 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 (nccommunitycolleges.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.

CC25-005 Email Copy

Attachment



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: <u>January 23, 2025</u>

Title, Chapter,
Subchapter, and Rule
Number of Rule
Proposed to be
Adopted, Amended, or
Repealed

Amend 2B SBCCC 400.3 – Hearing Process

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.

Proposed Effective
Date of Rule

May 1, 2025

1 **State Board of Community College Code** 2 TITLE 2 - PROPRIETARY SCHOOLS 3 4 CHAPTER B. **DUE PROCESS** 5 6 SUBCHAPTER 400. REFUSAL TO ISSUE OR RENEW LICENSE 7 8 2B SBCCC 400.3 Hearing Process 9 (a) The Executive Director of the Office of Proprietary Schools SBPS shall provide the proprietary school at least 10 business days' notice of the date, time, and location of 10 11 the informal hearing. 12 (b) The party appearing on behalf of the proprietary school at issue shall be an official of 13 the proprietary school or attorney representing the proprietary school. 14 (c) The SBPS Chair or the Chair's designee shall act as the Hearing Officer. The hearing 15 shall be conducted as follows: (1) The proprietary school's representative may present evidence for no more than 16 17 one (1) hour in support of why the proprietary school's application for a license 18 should be approved. The Hearing Officer has the discretion to extend this time, if 19 circumstances warrant. 20 (2) The school's representative may present evidence in a question and answer format 21 or a narrative format. The school may also offer exhibits into evidence and call 22 witnesses. If witnesses are to be called, the school shall give the Executive 23 Director at least five (5) business days- notice of whom the school intends to call. 24 (3) The Hearing Officer or other SBPS members may ask questions at any time throughout the hearing. 25 26 (4) The legal rules of evidence will not apply, but the Hearing Officer may direct the 27 presentation to the issues relevant to licensure. 28 (5) A court reporter will transcribe the hearing. 29 30 History Note: Authority G.S. 115D-89; 115D-93; 150B-22; 31 Eff. February 1, 2020. 32 Amended Eff. _____