

NUMBERED MEMO CC25-007

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 500.4 – SBPS Recommendation 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 500.4 – SBPS Recommendation 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.

CC25-007
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Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amend 2B SBCCC 500.4 – SBPS Recommendation and Right to Hearing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 500.4 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 500. SUSPENSION OR REVOCATION OF LICENSE**

7
8 **2B SBCCC 500.4 SBPS Recommendation and Right to Hearing**

9 (a) Upon conclusion of the investigation in 2B SBCCC 500.3, the ~~SBPS~~ Executive
10 Director of the Office of Proprietary Schools shall submit a written investigation report
11 to the SBPS containing:

- 12 (1) Copy of the written complaint or Documentation of Noncompliance;
13 (2) Specification of the laws or rules the proprietary school allegedly violated and a
14 detailed description of how the proprietary school allegedly violated each of the
15 specified laws or rules;
16 (3) Description of investigation process; and
17 (4) Recommendation of revocation of the proprietary school’s license to operate one
18 or more programs with a supporting rationale for revocation rather than for
19 suspension; or
20 (5) Recommendation of suspension of the proprietary school’s license to operate one
21 or more programs with a supporting rationale for suspension rather than for
22 revocation; or
23 (6) Recommendation to allow the proprietary school to retain its license to operate one
24 or more programs with a supporting rationale for why revocation or suspension is
25 not warranted.

26 (b) The SBPS shall evaluate the written investigation report and after due consideration,
27 recommend the SBCC:

- 28 (1) Suspend the proprietary school’s license to operate one or more programs; or
29 (2) Revoke the proprietary school’s license to operate one or more programs; or
30 (3) Take no further action.

31

1 (c) Within five (5) business days of the SBPS action, the Executive Director shall submit
2 the written investigation report and SBPS recommendation to the chief administrator
3 of the proprietary school at issue with a copy to the following: 1) the Chair of the SBPS;
4 2) the NCCCS General Counsel; and 3) the NCCCS Director of Communications. If
5 the SBPS recommended suspension or revocation of the proprietary school's license
6 to offer one or more programs, the Executive Director shall notice the school of its
7 right to request an informal hearing with the SBPS prior to the SBCC's final agency
8 decision to suspend or revoke the school's license. The request for an informal
9 hearing must be in writing and signed by the chief administrator or other authorized
10 agent of the proprietary school, and it must be received by the Executive Director on
11 behalf of the SBPS within 10 business days of receiving the investigation report and
12 SBPS recommendation.

13 (d) If the Executive Director of the SBPS does not receive the proprietary school's
14 written request for an informal hearing within 10 business days from the date the
15 school received the investigation report and SBPS' recommendation to suspend or
16 revoke the school's license, the Executive Director shall submit the investigation report
17 and SBPS recommendation to the SBCC. The SBCC shall consider the investigation
18 report and recommendation at its next regularly scheduled meeting and vote to:
19 (1) Suspend the proprietary school's license to operate one or more programs; or
20 (2) Revoke the proprietary school's license to operate one or more programs; or
21 (3) Take no further action.

22 The SBCC action shall become the SBCC's final agency decision to suspend or
23 revoke the proprietary school's license. Within five (5) business days of the SBCC's
24 action, the NCCCS General Counsel shall notify the proprietary school of the
25 SBCC's final decision.

26 (e) If the Executive Director of the SBPS receives a written request for an informal
27 hearing within 10 business days of the proprietary school administrator's receipt of
28 the investigation report and SBPS recommendation to suspend or revoke the
29 school's license, the Executive Director shall submit the written request to the
30 following: 1) the Chair of the SBPS; 2) the NCCCS General Counsel; and 3) the

1 NCCCS Director of Communications. The SBPS shall calendar the informal hearing
2 within 60 days of the Executive Director's receipt of the hearing request.

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

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

6 *Amended Eff. _____*

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