

NUMBERED MEMO CC25-023

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

DATE: April 8, 2025

On April 4, 2025, the State Board of Community Colleges voted to amend the State Board Code, **2B SBCCC 400.2 – Notice of Refusal and Right to Hearing**. This amendment will formally implement the changes previously approved by the State Board of Community Colleges during its January 16, 2020 meeting.

The amendment will be effective May 1, 2025. At that time, the amended rule will be published on the North Carolina Community College System's website, [State Board Code - NCCCS \(ncccommunitycolleges.edu\)](https://www.ncccommunitycolleges.edu). For your convenience, a copy of the rule in its final form is attached to this memorandum.

CC25-023

E-mail Copy
Attachment

State Board of Community Colleges Code
TITLE 2 – PROPRIETARY SCHOOLS



CHAPTER B. DUE PROCESS

SUBCHAPTER 400. REFUSAL TO ISSUE OR RENEW LICENSE

2B SBCCC 400.2 Notice of Refusal and Right to Hearing

- (a) If the SBPS recommends refusal of a proprietary school's initial license or recommends nonrenewal of a proprietary school's license, the SBPS, by and through the Executive Director of the Office of Proprietary Schools, shall document the rationale for its recommendation in a document to be titled, "Refusal to Recommend Initial Licensure or License Renewal."
- (b) The Executive Director shall send a copy of the "Refusal to Recommend Initial Licensure or License Renewal" to the chief administrator of the proprietary school at issue within five business days of the SBPS' recommendation with a copy to the following: 1) the Chair of the SBPS; 2) the NCCCS General Counsel; and 3) the NCCCS Executive Director of Communications.
- (c) In the "Refusal to Recommend Initial Licensure or License Renewal," the Executive Director shall advise the chief administrator or other agent of the proprietary school at issue of the right to provide a response and request an informal hearing with the SBPS prior to the SBCC's final agency decision to grant or deny licensure. The response and request for hearing must be in writing and signed by the chief administrator or other authorized agent of the proprietary school, and it must be issued to the Executive Director on behalf of the SBPS within 10 business days of receiving the "Refusal to Recommend Initial Licensure or License Renewal."
- (d) If the Executive Director does not receive the proprietary school's written response and request for hearing within 10 business days from the date the school received the "Refusal to Recommend Initial Licensure or License Renewal" notice, the Executive Director shall submit the SBPS recommendation and "Refusal to Recommend Initial Licensure or License Renewal" to the SBCC. The SBCC shall consider the

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

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

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

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

Amended Eff. [May 1, 2025](#)