

NUMBERED MEMO CC26-038

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 of 1D SBCCC 400.5 – Curriculum Instructional Contract Provisions

DATE: July 21, 2026

On July 17, 2026, the State Board of Community Colleges (SBCC) initiated the rulemaking process to amend **1D SBCCC 400.5 – Curriculum Instructional Contract Provisions**. The proposed amendment would allow curriculum contracts with public or private organizations to be signed either physically or electronically. It also permits the required certification statement for proprietary or private nonprofit organizations to be completed using either physical or electronic signatures. The proposed amendment is published on the NC Community College System's website, [Numbered Memos - NCCCS \(ncccommunitycolleges.edu\)](https://ncccommunitycolleges.edu/numbered-memos). For your convenience, a copy of the proposed rule, with the adopted language 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 August 20, 2026.** 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 August 5, 2026.**

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.

CC26-038

Email Copy
Attachment



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: July 21, 2026

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amendment of 1D SBCCC 400.5 – Curriculum Instructional Contract Provisions
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Specify whether the SBCC proposes to amend, adopt, or repeal a rule:

Adopt
(new rule)

Amend
(change existing rule)

Repeal
(delete entire rule)

	X	
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Rationale for proposed adoption, amendment, or repeal:	The proposed amendment would allow curriculum contracts with public or private organizations to be signed either physically or electronically. It also permits the required certification statement for proprietary or private nonprofit organizations to be completed using either physical or electronic signatures.
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Proposed Effective Date of Rule	October 1, 2026
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State Board of Community Colleges Code
TITLE 1. COMMUNITY COLLEGES

CHAPTER D. EDUCATION PROGRAMS

SUBCHAPTER 400. CURRICULUM



1D SBCCC 400.5 Curriculum Instructional Contract Provisions

(a) Any curriculum contract entered into by the local board of trustees of a college for the purpose of providing a curriculum course or a curriculum program through other public or private organizations or institutions shall meet the following general criteria:

- 1) Colleges shall enter into a contract consistent with the requirements of the local board of trustees, the public or private organizations or institutions being contracted with and the State Board of Community Colleges' criteria.
- 2) The contract shall be limited to and not exceed the fiscal year in which the contract begins.
- 3) The provisions for payment under contract shall not exceed the usual and customary costs associated with the contracted instruction.
- 4) The contract shall provide that the college personnel shall have the right to supervise the educational program offered by the public or private organizations or institutions to the extent necessary to ensure the quality of the instructional program.
- 5) The contract shall provide that the college, the North Carolina Community College System Office, and the State Auditor shall have access to the records of the public or private organizations or institutions to the extent necessary to ascertain the accuracy of such records and shall authorize the North Carolina Community College System Office to obtain such fiscal accounting reports as are necessary in carrying out the terms of the contract.

- 1 6) A curriculum program or a curriculum course taught under contract shall
2 be limited to programs or courses the college has been authorized to offer
3 by the State Board of Community Colleges.
- 4 7) The contract shall stipulate that students taught under the terms of the
5 contract shall pay the same fees charged other students in similar
6 programs in the college, which fees shall be deposited in like manner as
7 other fees.
- 8 8) No tuition or fee charges shall be collected by the public or private
9 organizations or institutions from students taught under such contracts
10 unless specified by the contract.
- 11 9) The chairman of the board of trustees, president of the college and the
12 president or owner of the public or private organization or institution shall
13 sign the contract physically or electronically, upon authority of the full
14 board of trustees. ~~The contract shall contain original signatures.~~
- 15 (b) Approval Procedure. When approved by the local board of trustees and the public
16 or private organizations or institutions, the contract document shall be submitted
17 to the President of the North Carolina Community College System who is
18 authorized to approve the college's budget for the contracted instructional
19 services if the requirements in Paragraphs (a), (b), and (c) of this Rule have been
20 met.
- 21 (c) The following provisions shall apply specifically to curriculum contracts with a
22 proprietary or private non-profit institution:
- 23 1) The proprietary or private non-profit institution with which the contract is
24 made shall be licensed as required by the General Statutes of North
25 Carolina and shall provide proof that the institution has maintained the
26 licensure for a minimum of two years to offer the instruction desired.
- 27 2) If federal funds are to be used to pay for instruction provided under the
28 conditions of the contract, the proprietary or private non-profit institution
29 shall meet the definition of the private vocational training institution
30 pursuant to Title 34, Section 400.4(b) of the Code of Federal Regulations.

- 1 3) The chief executive officer of the proprietary or private non-profit
2 institution, or designated agent, shall sign a certification statement,
3 physically or electronically, that the program in question, facility, or
4 contract for services to students will be open without regard to race, age,
5 color, creed, gender, religion, national origin, political affiliation, or
6 disability.
- 7 4) Public or private colleges or universities shall be licensed as required by
8 the General Statutes of North Carolina to offer the instruction desired if
9 entering into a contract to provide instructional services with the board of
10 trustees of a college.
- 11 (d) Unless otherwise specified, colleges shall earn reimbursement on the regular
12 formula budget for student membership hours generated by instruction under
13 contract. Also, note 1G SBCCC 100.99 which addresses contracted instruction
14 offered primarily in the non-credit, occupational extension area.
- 15 (e) The provisions of 1D SBCCC 400.5 do not apply to contracts between a college
16 and its individual instructors.

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18 *History Note: Filed as a Temporary Amendment Eff. October 15, 1992 for a period of*
19 *180 days to expire on April 15, 1993; Authority G.S. 115D-1 through 115D-6.1;*
20 *115D-18; 115D-20(6); P.L. 88-352; P.L. 98-524;*
21 *Eff. February 1, 1976;*
22 *Amended Eff. September 30, 1977;*
23 *Readopted Eff. January 5, 1978;*
24 *Amended Eff. _____; [November 1, 2017](#); September 1, 1993;*
25 *January 1, 1989; August 17, 1981; July 1, 1980.*