

NUMBERED MEMO CC26-060

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 1D SBCCC 400.5 – Curriculum Instructional Contract Provisions

DATE: September 22, 2026

On September 18, 2026, the State Board of Community Colleges (SBCC) voted to amend the State Board Code, **1D SBCCC 400.5 – Curriculum Instructional Contract Provisions**. The amendment permits either physical or electronic signatures on curriculum contracts with public or private organizations. It also allows the required certification statement for proprietary or private nonprofit entities to be signed either physically or electronically.

The amendment will be effective **October 1, 2026**. 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://ncccommunitycolleges.edu). For your convenience, a copy of the rule in its final form is attached to this memorandum.

CC26-060

Email Copy
Attachment

**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.

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

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

History Note: Filed as a Temporary Amendment Eff. October 15, 1992 for a period of 180 days to expire on April 15, 1993; Authority G.S. 115D-1 through 115D-6.1; 115D-18; 115D-20(6); P.L. 88-352; P.L. 98-524;

Eff. February 1, 1976;

Amended Eff. September 30, 1977;

Readopted Eff. January 5, 1978;

Amended Eff. [October 1, 2026](#); [November 1, 2017](#); September 1, 1993; January 1, 1989; August 17, 1981; July 1, 1980.