



## DEPARTMENT OF COMMUNITY COLLEGES

NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

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RALEIGH, NC 27603-1337


ROBERT W. SCOTT  
System President


919-733-7051

August 24, 1994

### MEMORANDUM

TO: Presidents and Deans/Directors of Continuing Education

FROM: J. Parker Chesson, Jr., Executive Vice President 

SUBJECT: Clarification of Course Repeats for Occupational Extension Classes 

The 1993 General Assembly passed the following legislation identified under Amendments, Part 16, Section 102 (a) and (b).

"(a) No full-time equivalent students (FTE) shall be generated for occupational extension students after the first repetition of an occupational extension class. Except as provided in subsection (b) of this section, if students take an occupational extension class more than twice, they shall pay the full amount of the per student cost for the class and the community college shall earn no budget FTE for these students. (b) Community colleges may permit a student to repeat a course more than once if that student demonstrates that the course repetition is required by standards governing the certificate or licensing program in which the student is enrolled. Colleges permitting this course repetition shall earn budget FTE for the student and shall report on a regular basis to the State Board on the students they have permitted this course repetition and on the certification or licensure requirements that necessitated it."

The department incorporated these provisions into policy 23 NCAC 2D.0325(a)(9). (See Attachment) During recent weeks, however, questions have been raised which merit further departmental response. Listed below are pertinent questions and the department's answers.

CC-94-284

- (1) Does the licensing/certification entity have to be a North Carolina agency?

No. The licensing/certification entity may be State or Federal or a generally recognized professional association, e.g., N.C. Fire and Rescue Commission is the licensing entity for firefighters and rescue personnel, N.C. State Board of Professional Engineers and Registered Land Surveyors certifies these two professional groups, N.C. Board of Nursing licenses practical nurses, etc.

- (2) As noted in departmental memorandum CC-92-287, the Occupational Safety and Health Administration (OSHA) requires that "all employers must establish and provide...training for all employees whose work practices require that they at any time come into contact with blood or body fluids." The requirement, based on federal legislation, continued that training shall be provided at the time of the initial assignment and at least annually thereafter. Can the colleges exempt individuals from the course repetition limitations because of federal or state training mandates?

Yes. It is interpreted that federal or state training mandates can be treated in the same manner as licensing or certification requirements because in both situations individuals must complete the specified training in order to practice the particular occupation.

- (3) If course content for a given course changes every year, but the course prefix and number remain the same, e.g., a professional update course, would individuals be required to pay the pro-rata share of the cost after taking the course twice in a five-year period?

No. Although the auditors would be required to follow-up an apparent course repetition as provided by department audit programs, if course content can be satisfactorily documented as different, the course repetition provisions of the special legislation would not be applicable.

- (4) If a local volunteer fire chief required the volunteer membership to take, for example, a ladders class annually to maintain competency, is this course exempt from the course repeat legislation?

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No. However, the N.C. Fire Rescue Commission recognizes any community college sponsored FIP course to apply to the 30 hours annual recertification training requirement. After applying the course to the recertification requirement initially, this course could not be taken in the same year at no cost to the student if the 30 hours specification was exceeded. Basically, a local fire captain requiring his/her membership to take the class is not a recertification requirement, but rather a local directive. Therefore, this local directive would not permit exemption unless the 30-hour NC Fire Rescue Commission provision was applicable.

The above noted general statute does not permit firefighters, rescue squad members, etc. to take a course, even though worthwhile, an infinite number of times at no cost unless required for individual licensure or certification or as noted on page two if a course is required by a State or federal agency. Also, note attachment which provides a copy of the applicable APA policy. In addition, the department will ask for an exemption for these classes of individuals in the next legislative session regarding this issue.

I hope this memorandum addresses your questions regarding this area. Please contact Chuck Barham, Bill Cole, or Ken Farmer if you have further questions about this area.

BC:pnm

Attachments

c: Mr. Thomas King  
Mr. Chuck Barham  
Mr. Ken Farmer  
Dr. Bill Cole

CC-94-284

ATTACHMENT

23 NCAC 2D.0325 (a) (9) is offered below:

- (9) Effective July 1, 1993, no budget/FTE shall be generated by occupational extension students after their first repetition of an occupational extension course. Students who take an occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. These students will not generate budget/FTE. The funds collected from these students will be used by the colleges to offer additional educational programs.
- (A) A statement on occupational extension course repetitions consistent with the requirements of this rule shall be included in college advertisements, schedules and catalogs. Students shall be notified during registration that they will be charged the full cost of courses which they have taken twice within a five-year period and in which they wish to enroll. Students shall be primarily responsible for monitoring course repetitions; however, the colleges shall review records and charge students full cost for courses taken more than twice.
- (B) Senior citizens who are legal residents of North Carolina and who wish to enroll in an occupational extension course, will not be required to pay for taking the course twice. Senior citizens who take an occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. These senior citizens will not generate budget/FTE. The funds collected from these senior citizens will be used by the colleges to offer additional educational programs.
- (C) Students may repeat occupational extension courses more than once if the repetitions are required for certification, licensure, or recertification. The colleges shall submit annual reports to the State Board of Community Colleges naming the students and the certification, licensure or recertification requirements that necessitated the repetition.