

**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM***H. Martin Lancaster, President*

May 1, 2006

Members of the State Board of Community Colleges  
Community College Presidents and Boards of Trustees Chairs  
NC Community College System Office Staff  
Other Interested Parties

**Subject: Notice of Rule-Making Proceedings**

Ladies and Gentlemen:

The State Board of Community Colleges has initiated rule-making proceedings to amend the following:

- 23 NCAC 03A. 0113 entitled "Student Refund."

For your convenience, please find a copy of the Rule enclosed for your review. Please post copies of the attached notice in prominent places so that all individuals affected by the proposed changes will be informed.

Public comments will be received through **May 15, 2006** in writing and shall be addressed to:

**President  
North Carolina Community College System Office  
5001 MSC  
Raleigh, NC 27603  
Telephone: 919/807-7100**

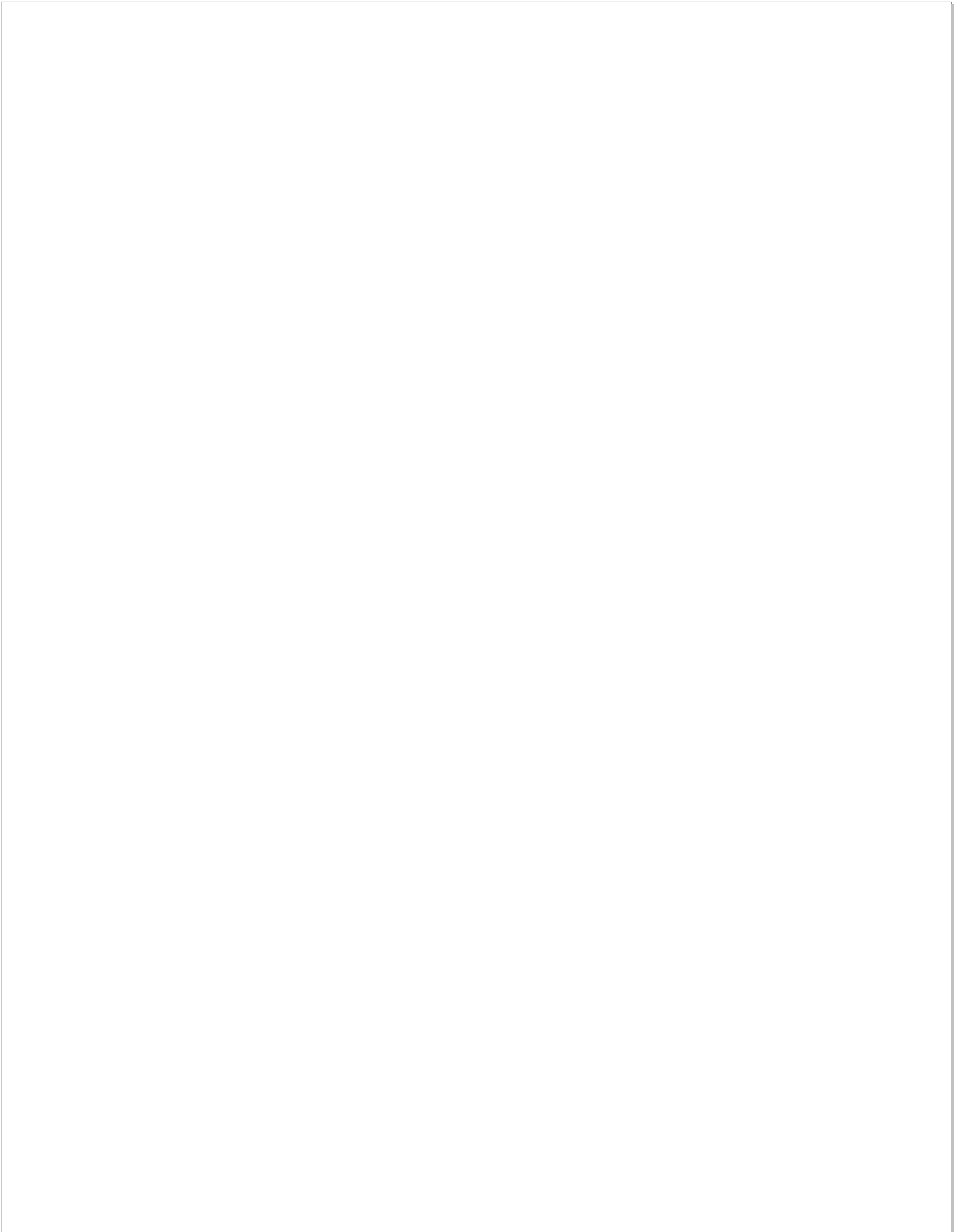
Thank you for your attention to this matter.

Sincerely,

David J. Sullivan  
General Counsel

Enclosure

CC06-093  
Paper copy and Email



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**PROPOSED RULES**

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Authority G.S. 90-171.56; 131E-114.2; 131E-270.

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**TITLE 23 – COMMUNITY COLLEGES**

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Community Colleges System intends to amend the rule cited as 23 NCAC 03A .0113.

**Proposed Effective Date:** July 1, 2006

**Instructions on How to Demand a Public Hearing:** (must be requested in writing within 15 days of notice): To demand a public hearing, please send the written demand to David Sullivan, NC Community College System, 200 West Jones Street, MSC 5001, Raleigh, NC 27699-5001 or by e-mailing the demand to [sullivan@d@nccommunitycolleges.edu](mailto:sullivan@d@nccommunitycolleges.edu). Demands must be received within 15 days of the publication of the proposed rule in the North Carolina Register.

**Reason for Proposed Action:** To extend the time during which a student of a Proprietary School is entitled to a partial tuition refund upon the student's withdrawal from the class.

**Procedure by which a person can object to the agency on a proposed rule:** Written objections shall be addressed to President, NC Community College System Office, 5001 MSC, Raleigh, NC 27699-5001 within the comment period, and must be post marked by 11:59 p.m. on the last day of the comment period.

**Comments may be submitted to:** President, NC Community College System Office, 5001 MSC, Raleigh, NC 27699-5001

**Comment period ends:** May 15, 2006

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-733-2721.

**Fiscal Impact:**

- State  
 Local  
 Substantive (≥\$3,000,000)  
 None

**CHAPTER 03 - MISCELLANEOUS PROGRAMS**

**SUBCHAPTER 03A - PROPRIETARY SCHOOLS**

**SECTION .0100 - BUSINESS, TRADE AND TECHNICAL SCHOOLS**

**23 NCAC 03A .0113 STUDENT REFUND**

(a) Any proprietary school that is licensed by the State Board of Community Colleges is subject to the following refund policies. A refund shall not be made except under the following circumstances:

- (1) A 100 percent refund shall be made if the student officially withdraws prior to the first day of class(es) as noted in the school calendar. Also, a student is eligible for a 100 percent refund if the class(es) in which the student is officially registered is cancelled due to insufficient enrollment.
- (2) ~~A 75 percent refund shall be made for semester courses if the student officially withdraws from class(es) prior to or on the official 10 percent point of the semester. For a student who officially withdraws from class(es) prior to completing 25 percent of the period of enrollment for which he or she has been charged, the school shall refund at least 75% of the tuition charged for that period of enrollment.~~
- (3) ~~A 75 percent refund shall be made up to the 25 percent point of any term defined by quarter or clock hours for a student who officially withdraws from class(es).~~
- (4) ~~Refunds for multi entry classes will be based on the percentage of class requirement completed.~~
- (5) ~~To comply with applicable federal regulation regarding refunds; federal regulation regarding refunds will supercede state refund regulations in this Rule.~~

(b) Proprietary schools are not required to deposit funds collected for tuition with the State Treasurer's Office.

Authority G.S. 115D-90.