NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
R. Scott Ralls, Ph.D.
President

25 February 2014

IMPORTANT INFORMATION

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents
Boards of Trustees Chairs
Community College Business Officers, Registrars, Admissions Officers, Financial Aid Officers. Public Information Officers & Other Interested Parties

FROM: Q. Shanté Martin, *NCCCS General Counsel*

RE: Proposed Repeal of and Adoption of Title 1, Chapter E – "Student Tuition and Fees"

The State Board of Community Colleges has initiated the rulemaking process to repeal and to adopt the following rule:

Title I, Chapter E of the State Board of Community Colleges Code, entitled "Student Tuition and Fees."

The State Board of Community Colleges seeks to clarify existing rules related to student tuition and fees. **The proposed repeal and adoption are published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code."** For your convenience, a copy of the proposed rules, with the changes indicated, is attached to this memorandum. Please post a copy of the proposed rules in prominent places so that all individuals affected by the proposed changes will be informed.

Any member of the public has the right to submit written comments on the proposed rules. **Written comments on the rules must be received by no later than 5:00 p.m. on March 27, 2014.** Any member of the public has the right to request a hearing on the proposed rules. **Requests for a hearing must be received by no later than 5:00 p.m. on March 12, 2014.** Written comments and requests for hearing shall be directed to the following address: Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to publiccomments@nccommunitycolleges.edu. Thank you for your attention to this matter.

CC14-005
E-mail Copy

Attachments

State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: February 25, 2014

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Title I, Chapter E, Student Tuition and Fees

Specify whether the SBCC proposes to adopt amend, or repeal a rule:	**Adopt** (new rule)	**Amend** (change existing rule)	**Repeal** (delete entire rule)
	X		

Rationale for proposed adoption, amendment or repeal:	Title I, Chapter E was rewritten to clarify existing rules.

Proposed Effective Date of Rule	May 1, 2014

Title 1, Chapter E is proposed for adoption as follows:

State Board of Community Colleges Code
Title 1 – COMMUNITY COLLEGES

CHAPTER E. STUDENT TUITION AND FEES

SUBCHAPTER 100. DEFINITIONS

1E SBCCC 100.1 Definitions

The following definitions apply to this Chapter:

(a) "Enroll" – To become a student in a course section by registering for the course section and either making payment or receiving financial aid for that course section. For the purposes of this definition, a tuition or registration fee waiver is a form of financial aid.

(b) "Local Fees" – A fee charged to a student for a good or service provided by the college other than instruction.

(c) "Register" – To complete the procedure defined by the college to sign up for a course section.

(d) "Registration Fee" – The amount charged to a student to enroll in a continuing education course that earns budget FTE as described in 1G SBCCC 100.99.

(e) "Self-Supporting Fee" – A fee charged to a student to enroll in a course that is offered on a self-supporting basis, as provided by 1E SBCCC 600.

(f) "Tuition" - The amount charged to a student to enroll in a curriculum course that earns budget FTE as described in 1G SBCCC 100.99.

(g) "Waive" – To exempt a student from paying a charge that would otherwise be required and adjust the student's account accordingly. The amount waived represents revenue foregone by the entity that would have otherwise received the benefit of the revenue.

History Note: *Authority G.S. 115D-5*
Eff.May 1, 2014

SUBCHAPTER 200. GENERAL PROVISIONS

1E SBCCC 200.1 Authority to Establish Tuition and Fees

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(a) Colleges shall charge students tuition and registration fees consistent with this chapter. Colleges are authorized to charge self-supporting and local fees established by their boards of trustees consistent with this chapter.

(b) Colleges shall provide students through publicly-available means information about all approximate tuition and fees required for a course prior to enrollment. Tuition and fees shall be kept to a minimum consistent with the State Board philosophy to keep student costs as low as possible.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff.May 1, 2014

1E SBCCC 200.2 Time Due, Deferred Payment, Failure to Pay

(a) Time Due. Tuition, registration fees, and other fees required for enrollment are due at the time of the student's registration or on a specific date prescribed by the college that is on or before the first date of the course section. To ensure tuition receipts are deposited to the credit of the fiscal year in which the Fall academic term occurs, colleges shall begin collecting curriculum tuition payments for the Fall academic term on or after July 1 of that year.

(b) Deferred Payment. The college may, with approval of the board of trustees, prescribe written procedures to permit short-term deferred payment or payment in installments; provided, however, that payment in full is due by the end of the academic term. For the purposes of this section, "short term" is defined as a period that does not extend beyond the last day of the academic term.

(c) Failure to Pay. Unless otherwise prohibited by law, colleges may not enroll or award an academic credential to a student with an outstanding balance for tuition or registration fees except under the following circumstances:

(1) The college anticipates that the outstanding balance will be paid using pending financial aid; or

(2) A person or organization demonstrates to the satisfaction of the college the ability to pay the outstanding obligation and guarantees in writing to pay the balance if the student fails to do so.

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Unless otherwise prohibited by law, colleges may withhold transcripts of grades and any other service pending resolution of outstanding obligations. This statement shall not be construed to prohibit a college's board of trustees from adding more stringent provisions regarding outstanding balances that are allowable under law.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

SUBCHAPTER 300. CURRICULUM TUITION

1E SBCCC 300.1 Tuition for Curriculum Programs

(a) Tuition Rates. The State Board shall set a uniform tuition rate per credit hour and a maximum tuition amount per academic term for resident and non-resident students consistent with actions taken by the General Assembly.

(b) Tuition Required. Colleges are required to charge students tuition to enroll in a curriculum course that earns Budget FTE as described in 1G SBCCC 100.99. Students are required to pay tuition, or have a third-party pay on their behalf, to enroll in a curriculum course, unless waived by law. See also 1E SBCCC Subchapter 800.

(c) Tuition for Student Enrolled in More than One College. If a student enrolls for the same academic term at two or more community colleges, the student may pay the total amount of tuition and registration fees to the student's "home" college, at the discretion of the "home" college. For the purposes of this section, "home" college means the college in which the student initially enrolls for the academic term. The "home" college shall work with the other colleges with which the student is enrolled to ensure the student is not charged more tuition than the maximum allowed by the State Board for the academic term. Student membership hours as defined in Chapter G for instruction received shall be reported by the college in which the respective instruction occurred.

(d) Deposit of Tuition. All tuition receipts are State funds. Colleges must deposit all tuition receipts to the credit of the State Treasurer, consistent with State law.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*

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Eff. *May 1, 2014*

1E SBCCC 300.2 Family Relocation Tuition

(a) As provided by G.S. 115D-39(a), community colleges may charge resident tuition rates to nonresident students who are members of families that were transferred to this state by businesses, industries, or civilian families transferred by the military, for employment. Prior to enrollment at the resident tuition rate, the nonresident student shall fulfill the following conditions:

(1) Demonstrate that his or her family moved to this state within the 12 months preceding enrollment;

(2) Present a letter to the college from the employer on corporate letterhead stating that the employee, through whom the student claims this benefit, relocated to this state for employment with that business, industry, or military establishment;

(3) Present proof of his or her familial relationship with the employee, unless the student is the employee;

(4) Present proof that the student lives in the same house with the employee, unless the student is the employee;

(5) Present proof that the student is financially dependent on the employee through which the student claims this benefit, unless the student is the employee; and

(6) Comply with the requirements of the Selective Service System, if applicable.

(b) The number of students at a college eligible for resident tuition under this Rule in a given academic year shall not exceed one percent of the average number of nonresident students, rounded up to the next whole number, enrolled at the college during the preceding academic year. If a college charges resident tuition to students eligible under this section, eligible students shall be granted this benefit on a first-come, first-served basis.

(c) Each local board of trustees shall adopt and publish a written policy specifying whether the college will charge resident tuition rates to nonresident students who satisfy the provisions of this section. If a local board of trustees adopts a policy that allows the college to charge resident tuition rates to nonresident students who satisfy the provisions of this section in some instances and not in others, the local board of trustees' policy shall specify the factors

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the college will use to determine when to grant the resident tuition rate and when to deny the resident tuition rate.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

SUBCHAPTER 400. CONTINUING EDUCATION REGISTRATION FEES

1E SBCCC 400.1 Continuing Education Registration Fees

(a) Registration Fee Rates. The State Board shall set a uniform registration fee schedule for continuing education courses based on course length, consistent with actions taken by the General Assembly.

(b) Registration fee required. Colleges are required to charge students a registration fee to enroll in a continuing education course section that earns budget FTE as described in 1G SBCCC 100.99. Students are required to pay a registration fee, or have a third-party pay on their behalf, to enroll in a continuing education course, unless waived by law. See also 1E SBCCC Subchapter 800.

(c) Deposit of Registration Fees. All registration fee receipts are State funds. Colleges must deposit all registration fee receipts to the credit of the State Treasurer, consistent with State law.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

SUBCHAPTER 500. ADULT HIGH SCHOOL EQUIVALENCY TEST FEES

1E SBCCC 500.1 Adult High School Equivalency Test Fees

(a) Adult High School Equivalency Testing Fee. The State Board of Community Colleges shall establish a uniform fee charged to students taking an adult high school equivalency test administered at a community college. The adult high school equivalency testing fee is

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separate and in addition to the fee, if any, charged by and retained by a third-party entity under contract with the System Office to provide the adult high school equivalency test.

(b) Required Payment. Students must pay the adult high school equivalency testing fee prior to taking any test within the adult high school equivalency test battery.

(c) Deposit of Fees. All adult high school equivalency testing fee receipts are State funds. Colleges must deposit all testing fee receipts to the credit of the State Treasurer, consistent with State law.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

SUBCHAPTER 600. SELF-SUPPORTING COURSE SECTIONS

1E SBCCC 600.1 Definitions

The following definitions apply to this Subchapter:

(a) "Direct costs" - The costs required to provide an instructional course section. Examples of direct costs include, but are not limited to, instructor salaries and salary-related benefits (i.e. retirement contributions, health insurance, etc.), travel to and from the instructional site, course development costs, instructional supplies, equipment, building rental, insurance, advertising, printing, postage, mailing costs, and any other costs specifically related to the course section. Refreshments and meals may be included as a direct cost if disclosed to potential students prior to the start of the course section.

(b) "Indirect costs" – The costs associated with activities and services that support instruction, but which cannot be exclusively assigned to a course section. Examples of indirect costs include, but are not limited to, student services, administrative costs, utilities, custodial services, and security services, which cannot be exclusively assigned to a course section.

(c) "Self-supporting" - Funding the direct and indirect costs of a course or set of courses through receipts collected from students or from a third-party on behalf of students enrolled in the course or set of courses.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*

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Eff. *May 1, 2014*

1E SBCCC 600.2 Authority to Charge Self-supporting Fees

(a) Authority to Charge. Colleges are authorized to offer curriculum and continuing education course sections on a self-supporting basis and charge self-supporting fees to students who enroll in self-supporting course sections.

(b) Local Policy. The board of trustees shall adopt a policy regulating self-supporting activities prior to a college offering self-supporting course sections. This policy shall include, at minimum, the following elements:

(1) The method the college must use to determine self-supporting fee rates, and

(2) The permissible uses of excess funds generated from self-supporting activities.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 600.3 Self-supporting Fee Rates

(a) A college shall set all self-supporting fees consistent with the policy adopted by its board of trustees. A college may adopt different self-supporting fees for different courses and activities, subject to the limitations established by this subsection.

(b) Curriculum Self-Supporting Fee Rates: Colleges shall determine self-supporting fees for curriculum courses using one of the following two methods of calculation:

(1) Pro-rata Share Method. The amount charged to each student shall approximate the pro-rata share of the direct and indirect costs associated with providing self-supporting instruction. Unless the college can demonstrate a need for a higher rate, a college may estimate indirect costs by applying its federal indirect cost rate or a rate up to 25%, whichever is higher, to the direct costs of providing the self-supporting activity. The amount charged to the student shall be calculated based on either 1) the estimated costs of an individual self-supporting course section divided by the number of students expected to enroll in the course section or 2) the estimated costs of a set of self-supporting course sections divided by the number of students expected to enroll in the set of course sections. Each student must pay the self-supporting fee even if the sum of the curriculum

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tuition and self-supporting fees charged to the student for the academic term exceeds the maximum tuition rate set by the State Board and academic term.

(2) Transparent Rate Method. The college shall charge each student an amount consistent with the curriculum tuition rate based on residency status. The transparent rate method shall only be used if the receipts generated through this method can adequately support the direct and indirect costs of the self-supporting instruction.

(c) Continuing Education Self-Supporting Fee Rates: Colleges shall set self-supporting fees for continuing education course sections at a level at or below the local market rate for the type of continuing education instruction provided.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 600.4 Deposit and Use of Self-supporting Fees

(a) Deposit of Self-Supporting Fees. Colleges shall deposit self-supporting fee receipts in an institutional unrestricted general ledger account. Any course section initially designated as self-supporting cannot be changed to a State-funded designation after the college collects any receipts for the course section.

(b) Use of Self-Supporting Fee Receipts. Self-supporting fee receipts shall be used to support the direct and indirect costs of the self-supporting course sections. Colleges shall not use state funds for direct costs of self-supporting course sections. If a full-time faculty member teaches a self-supporting course section, colleges shall either 1) pro-rate the faculty salary based on the time allocated between state-funded and self-supporting course sections in the faculty member's course load, or 2) reimburse State funds an amount equal to the number of instructional hours associated with self-supporting course section multiplied by the instructor's hourly rate of pay.

(c) Excess Receipts. If self-supporting receipts exceed expenditures for the fiscal year, colleges shall comply with 1E SBCCC 700.7.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

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SUBCHAPTER 700. LOCAL FEES

1E SBCCC 700.1 General Provisions

(a) Authority to Charge. Colleges are authorized to charge local fees that are established by the local board of trustees under the provisions of this Subchapter.

(b) Local Policy. The local board of trustees must establish all local fees and adopt policies governing the use of local fee receipts, consistent with this Subchapter.

(c) Deposit and Use of Local Fees. Colleges shall deposit receipts derived from local fees in an unrestricted institutional account. Colleges shall use local fee receipts only for the purposes for which the fee was approved by the local board of trustees, consistent with this Subchapter.

(d) Local Fees Charged to Students Attending More than one College: If a student enrolls for the same semester at two or more colleges of the system, the student shall pay local fees required by each institution, as prescribed by the colleges' local fee policies.

(e) Annual Reporting Requirement. The college president shall report all required local fees established by the board of trustees to the System Office on an annual basis as directed by the System Office.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 700.2 Student Activity Fees

(a) Student Activity Fee Rates. The local board of trustees is authorized to establish a fee charged to students to support student activities. The student activity fee shall not exceed $35 per academic term. Student activity fees shall not be charged to individuals who participate only in meetings or seminars organized by the college. For the purposes of this Subchapter, "meeting or seminar" means a group of people gathered on a one-time basis primarily for discussion under the direction of a leader or resource person(s).

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(b) Use of Student Activity Fee Receipts: Colleges shall use student activity fee receipts to support the cost of providing student activities, excluding those activities listed in sub-subsection (3) below.

(1) Permissible Activities: For the purposes of this section, "student activity" means an activity that is provided primarily for the benefit of students and whose participants are primarily students. Examples of student activities include the following:

(A) student centers;

(B) student government associations;

(C) student clubs;

(D) student enrichment and student social activities;

(E) student identification cards;

(F) student athletics;

(G) student health services; and

(H) student accident insurance

(2) Permissible expenses: In support of student activities, the college may use student activity fee receipts to support the following types of expenses:

(A) College personnel directly providing student activities, such as student government association staff, student activity coordinators, coaches, club sponsors, or club advisors;

(B) Stipends or scholarships to students who serve as officers of student organizations;

(C) Employee and student travel to student activities held at off-campus locations;

(D) Other purchased goods or services needed to conduct the student activity;

(E) Equipment, including vehicles, used directly for student activities;

(F) Capital improvement projects constructed for student activities, such as student centers and athletic facilities.

(3) Impermissible expenses: Colleges shall not use student activity fee receipts to support personnel and other operating costs related to college employees that do not directly support student activities, including, but not limited to, academic advisors, counselors, recruiters, admissions staff, and security personnel.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*

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Eff. *May 1, 2014*

1E SBCCC 700.3 Instructional Technology Fees

(a) Fee Rates. The local board of trustees is authorized to establish a fee charged to students to support student access to instructional technology. The instructional technology fee shall not exceed $16 per academic term for curriculum students and $5 per course for continuing education students. Instructional technology fees shall not be charged to individuals who participate only in meetings or seminars.

(b) Use of Fee Receipts. Instructional technology fee receipts shall be used to support costs of procuring, maintaining, and operating instructional technology, including both information technology (hardware and software) used primarily for instructional purposes and specialized instructional equipment necessary for hands-on instruction. Colleges are authorized to use instructional technology fee receipts to hire support positions to operate, maintain, and repair this technology, as well as buy the necessary supplies and materials for operations. Instructional technology fee receipts shall not be used to purchase computers and other technology used primarily by college employees, nor may instructional technology fee receipts be used to support positions that do not directly support this instructional technology.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 700.4 College Access and Parking (CAP) Fees

(a) Fee Rates. The local board of trustees is authorized to establish a fee charged to students to use college parking facilities and college property.

(b) Use of CAP Fee Receipts. CAP fee receipts shall only be used to support costs of acquiring, constructing, and maintaining the college's parking facilities, parking enforcement, and security of college property. Security costs include, but are not limited to, salaries, related benefits, and operating costs associated with security personnel; contracted security services; vehicles, equipment, and capital improvements necessary to secure college property.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*

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Eff. *May 1, 2014*

1E SBCCC 700.5 Required Specific Fees

(a) Fee Rates. The local board of trustees is authorized to establish specific fees to support other required academic costs for consumable goods or services that are specifically required for a course. Such academic costs include, but are not limited to, tools, uniforms, insurance, certification/licensure fees, e-text, lab and other consumable supplies. The local board of trustees shall set specific fee rates based on the estimated cost of providing the good or service.

(b) Use of Specific Fee Receipts. Specific fee receipts shall be used for the purposes for which they are charged. If specific fee receipts exceed expenditures for the purposes for which they are charged, the college must expend the excess receipts consistent with the provisions outlined in 1E SBCCC 700.7.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 700.6 Other Fees

(a) The local board of trustees is authorized to establish other fees. "Other fees" means fees to support costs of goods or services provided by the college that are not required for enrollment. Examples include, but are not limited to, student health and other insurance fees, graduation fees, transcript fees, optional assessment fees, library/equipment replacement fees, and fees to participate in a specific event or activity. The local board of trustees shall set other fee rates based on the estimated cost of providing the good or service.

(b) Use of Fee Receipts. Other fee receipts shall be used for the purposes for which they are charged. If other fee receipts exceed expenditures for the purposes for which they are charged, the college must expend the excess receipts consistent with the provisions outlined in 1E SBCCC 700.7.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

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1E SBCCC 700.7 Excess Fee Receipts

If receipts collected through fees authorized by 1E SBCCC 600.3, 700.5 and 700.6 exceed expenditures on authorized purposes, the following provisions apply:

(a) Excess receipts shall only be used for one or more of the following purposes: instruction, student support services, student financial aid (e.g. scholarships, grants, and loans), student refunds, student activities, curriculum development, program improvement, professional development, promotional giveaway items, instructional equipment, and capital improvements and acquisition of real property.

(b) Excess receipts shall not be used for any of the following purposes: supplemental compensation or benefits of any personnel, administrative costs, entertainment expenses, and fundraising expenses.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

SUBCHAPTER 800. WAIVERS

1E SBCCC 800.1 Definitions

The following definitions apply to this subchapter:

(a) "Tuition and Registration Fee Waiver" - A waiver that exempts an individual from paying curriculum tuition or continuing education registration fees that would otherwise be required to enroll in a course and deposited with the State Treasurer. The amount waived represents revenue foregone by the State. A tuition and registration fee waiver shall not be construed to mean inclusion of any other fees or charges (i.e. local fees, textbooks/supplies, and insurance) that are required for enrolling in a course or program. The amount charged to students who qualify as a resident for tuition purposes pursuant to G.S. 115D-39 and G.S. 116-143 is not a tuition waiver for the purposes of this Subchapter.

(b) "Authorized Group or Organization" - A category of students or organizations that are authorized by law to be granted a tuition or registration fee waiver.

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(c) "Eligible Training" - Training that the State Board of Community Colleges has approved that is eligible to be waived for a specific authorized group, consistent with law.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 800.2 General Provisions

(a) Authority to waive. Colleges shall waive tuition and registration fees for eligible training provided to groups and organizations that are expressly authorized by law. The waiver of local fees shall be governed by local boards of trustees.

(b) Admission Requirements. Persons in an authorized group must meet the same admission requirements as students that are not in an authorized group to enroll in courses for which the student is eligible for a waiver.

(c) Proof of Eligibility. To obtain a waiver, individuals must establish proof of eligibility as a member of an authorized group. To be eligible for a tuition or registration fee waiver, trainees enrolled in Basic Law Enforcement Training (BLET) courses must obtain a letter of sponsorship from a state, county, or municipal law enforcement agency prior to enrollment and uphold the terms of the sponsorship until completion of the BLET course. The college must maintain documentation of the sponsorship on file.

(d) Reporting FTE: Unless otherwise prohibited by law, students eligible for an authorized waiver shall be counted in the computation of enrollment for funding purposes (BFTE) in a manner consistent with non-waived students, assuming all applicable reporting requirements are met.

(e) Self-Supporting Courses: Community colleges shall not grant tuition and registration fee waivers to students enrolled in self-supporting courses. The community college shall charge the student the self-supporting fee or use institutional funds to pay for the self-supporting fee on the student's behalf.

(f) Annual Reporting Requirement. As directed by the System Office, the college president shall report the amount of tuition and registration fees waived by the college on behalf of individuals who are members of authorized groups or organizations on an annual basis to the System Office.

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History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

SUBCHAPTER 900. REFUNDS

1E SBCCC 900. 1 Curriculum Tuition Refunds

(a) The following definitions apply to this provision:

(1) "Academic period" – An academic term or subdivision of an academic term during which a college schedules a set of course sections.

(2) "Non-regularly scheduled course section" – A course section that meets the definition of "non-regularly scheduled course section" found in 1G SBCCC 200.93(c).

(3) "Off-cycle course section" – A regularly scheduled course section that is not offered consistent with an academic period.

(4) "Officially Withdraw" – The removal of a student from a course section by one of the following methods:

(A) The student notifies the authorized college official, as defined by the college's published procedures for withdrawal, of the student's intent to disenroll in a course section as outlined in the college's published procedures for withdrawal; or

(B) The college removes the student from the course section because the college cancels the course section or for any other reason authorized by written college policy.

(5) "On-cycle course section" – A regularly scheduled course section that is offered consistent with an academic period.

(6) "Regularly scheduled course section" – A course section that meets the definition of "regularly scheduled course section" found in 1G SBCCC 200.93(b).

(b) Unless otherwise required by law, community colleges shall not issue a tuition refund using State funds except under the following circumstances:

(1) On-Cycle Course Sections:

(A) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college prior to the first day of the academic period as noted on the college calendar.

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(B) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.

(C) After an on-cycle course section begins, a college shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on either of the following, as determined by local college policy and noted on the college calendar:

(i) The 10 percent point of the academic period, or

(ii) The 10 percent point of the course section.

(2) Off-Cycle Course Sections:

(A) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college prior to the first day of the off-cycle course section.

(B) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.

(C) After an off-cycle course section begins, a college shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on the 10 percent point of the course section.

(3) Non-Regularly Scheduled Course Sections:

(A) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college prior to the first day of the non-regularly scheduled course section.

(B) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.

(C) After a non-regularly scheduled course section begins, a college shall provide a 75 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the non-regularly scheduled course section prior to or on the 10th calendar day after the start of the course section.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*

Eff. *May 1, 2014*

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1E SBCCC 900.2 Continuing Education Registration Fee Refunds

(a) The following definitions apply to this provision:

(1) "Non-regularly scheduled course section" – A course section that meets the definition of "non-regularly scheduled course section" found in 1G SBCCC 200.94(b).

(2) "Officially withdraw" – See definition in 1E SBCCC 900.1(4).

(3) "Regularly scheduled course section" – A course section that meets the definition of "regularly scheduled course section" found in 1G SBCCC 200.94(a).

(b) Unless otherwise required by law, community colleges shall not issue a registration fee refund using State funds except under the following circumstances:

(1) A college shall provide a 100 percent refund to the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to the first course section meeting.

(2) A college shall provide a 100 percent refund to the student if the college cancels the course section in which the student is registered.

(3) After a regularly scheduled course section begins, the college shall provide a 75 percent refund upon the request of the student if the student officially withdraws or is officially withdrawn by the college from the course section prior to or on the 10 percent point of the scheduled hours of the course section. This sub-section applies to all course sections except those course sections that begin and end on the same calendar day. Colleges shall not provide a student a refund using State funds after the start of a course section that begins and ends on the same calendar day.

(4) After a non-regularly scheduled course section begins, the college shall provide a 75 percent refund upon the request of the student if the student withdraws or is withdrawn by the college from the course section prior to or on the 10th calendar day after the start of the course section.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 900.3 Refund Due to Death of Student

DRAFT

If a student, having paid the required tuition or registration fees for a course section, dies prior to completing that course section, all tuition and registration fees for that course section shall be refunded to the estate of the deceased upon the college becoming aware of the student's death.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 900.4 Military Refund

(a) Upon request of the student, each college shall:

(1) Grant a full refund of tuition and registration fees to military reserve and national Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations that make it impossible for them to complete their course requirements; and

(2) Buy back textbooks through the colleges' bookstore operations to the extent allowable under the college's buy back procedures.

(b) Colleges shall use distance learning technologies and other educational methodologies, to the extent possible as determined by the college, to help active duty military students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

1E SBCCC 900.5 Refund of Self-Supporting and Local Fees

Local boards of trustees shall adopt local refund policies for self-supporting fees and local fees.

History Note: *Authority G.S. 115D-5; G.S. 115D-39*
Eff. *May 1, 2014*

DRAFT

State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: February 25, 2014

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Title I, Chapter E, Student Tuition and Fees

Specify whether the SBCC proposes to adopt amend, or repeal a rule:	**Adopt** (new rule)	**Amend** (change existing rule)	**Repeal** (delete entire rule)
			X

Rationale for proposed adoption, amendment or repeal:	A complete revision of Title I, Chapter E is needed to clarify existing rules. As such, the current Title I, Chapter E is being repealed and replaced by an updated Title I, Chapter E.

Proposed Effective Date of Rule	May 1, 2014

Title 1, Chapter E is proposed for repeal as follows:

~~CHAPTER E. STUDENT TUITION AND FEES~~

~~100. DEFINITIONS~~

~~1E SBCCC 100.1 RESERVED FOR FUTURE CODIFICATION~~

~~200. AUTHORITY TO CHARGE~~

~~1E SBCCC 200.98 AUTHORITY TO ESTABLISH TUITION AND FEES~~

~~(a) Authority to Charge. All tuition and registration fees charged to students for applying to or attending any college of the system shall be approved by the State Board. No tuition rate or fee schedule shall be charged without resolution of the State Board specifying the purpose for which the fee is charged.~~

~~(b) Time Due and Deferred Payment. Tuition, registration fees and required academic fees are due and payable at the time of the student's registration. The college shall, with approval of the board of trustees, prescribe written procedures to permit short term deferred payment or payment in installments; provided, however, that no student shall be permitted to graduate or to register for a new semester unless payment of such outstanding balance has been guaranteed in writing by a financially responsible person or organization. Colleges are authorized to withhold transcripts of grades pending resolution of the outstanding obligations. This statement shall not be construed to prohibit a college's local governing board from adding more stringent provisions.~~

~~(c) Establishing Optional Fees. Optional fees are fees charged to curriculum and continuing education students for items not covered by tuition and registration fees. Funds derived from optional fees shall be deposited in the institutional account and shall be used to directly benefit students. The president shall report any optional fee established by the board of trustees to the System Office's Business and Finance Division on an annual basis. Boards of trustees may establish on an annual basis the following optional fees:~~

- ~~(1) Specific Fees. Fees charged to students for items required for individual courses that are considered to be in addition to normal supplies and material the college provides for students such as tools, uniforms, insurance, and certification fees;~~
- ~~(2) Student Activity Fee. A fee charged to students to support student activities. The student activity fee shall not exceed the maximum established by the State Board;~~
- ~~(3) Computer Use and Technology Fee. A fee charged to students to support the procurement, operations operation, and repair of computers and other instructional technology including supplies and materials that accompany use of the technology. This fee shall not exceed the maximum established by the State Board; and~~
- ~~(4) Parking Fee. A fee charged to a student for use of the college's parking facilities.~~

~~(d) Any optional fee established by a college is considered a separate charge to students and shall not be credited as part payment of tuition or registration fees.~~

~~(e) Receipts collected from any optional student fee shall be deposited as State Board regulation shall direct, consistent with state law.~~

~~(f) Nothing in any rule shall be construed to condone or to authorize any practice of depositing receipts from any student tuition or other student fees in a special fund account at a college, except optional fee receipts.~~

~~(g) Optional fee receipts shall not be used for any purpose other than that for which the fee was approved, e.g., computer equipment could not be purchased for staff members using optional fee receipts.~~

~~(h) All fees funds derived from optional fees shall be deposited into a proper college account and all disbursements shall be made by the college business office in accordance with polices adopted by the board of trustees.~~

~~(i) Specific Fees shall be approved by the college board of trustees. Such fees shall reflect the actual cost of items received by the student.~~

~~(j) Students shall be informed of all approximate fees for a course at the time they enroll. Such fees shall be kept to a minimum consistent with the State Board philosophy to keep student costs as low as possible.~~

~~(k) Family Relocation Tuition. Community Colleges may charge in-state tuition to certain out-of-state students who are members of families that were transferred to this state by businesses, industries, or civilian families transferred by the military, for employment. Prior to enrollment, the student shall fulfill the following conditions:~~

- ~~(1) Demonstrate that his or her family moved to this state within the preceding 12 months;~~

(2) Present a letter to the institution from the employer on corporate letterhead stating that the employee, through whom the student claims this benefit, relocated to this state for employment with that business, industry, or military establishment;
(3) Present proof of his or her familial relationship with the employee unless the student is the employee;
(4) Live in the same house with the employee unless the student is the employee;
(5) Present evidence that he or she is financially dependent on the employee through which he or she claims this benefit unless the student is the employee; and
(6) Comply with the requirements of the Selective Service System, if applicable.

The number of students eligible for in-state tuition under this Rule at a college shall not exceed one percent of the average number of out-of-state students, rounded up to the next whole number, at the college in the academic year immediately preceding enrollment. Eligible students shall be granted this benefit on a first-come, first-serve basis.

History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; S.L. 1995, c. 625;
Eff. February 1, 1976;
Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981; January 14, 1980;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. August 1, 2004; July 1, 1998.

1E SBCCC 200.99 DEPOSIT OF FEES

All registration, tuition, and instructional fees and book replacement fines shall become state funds when collected and must be deposited to the credit of the State Treasurer, except as permitted by any other applicable rule.

History Note: Authority G.S. 115D-5; 115D-39; 115D-58.9;
Eff. February 1, 1976;
Amended Eff. September 1, 1993; August 17, 1981.

300. TUITION CURRICULUM

1E SBCCC 300.99 TUITION AND FEES FOR CURRICULUM PROGRAMS

(a) Tuition:
(1) Student Residence Classification. The classification of students for tuition purposes shall be made pursuant to G.S. 115B-2, 115D-39, 116-143.1, 116-143.3, and 116-143.5.
(2) Tuition Rates In-State:
(A) A general and uniform tuition rate is established by the State Board as set by the Legislature for full-time curriculum students per semester or term for North Carolina residents.
(B) A North Carolina resident who is a part-time student shall pay a per-credit-hour rate for curriculum instruction, as established by the State Board, for any semester or term as set by the Legislature.
(3) Learning Laboratory. No tuition fees charged.
(4) Tuition Creditable Upon Transfer of Student. When a student has paid the required tuition at a college and is given permission to transfer to another college within the system during the academic semester for which the tuition was paid, the college from which the student transfers shall issue to him a statement certifying the amounts of tuition that have been paid, and the college to which he is transferring shall accept such certificate in lieu of requiring payment again. [Also, see 1G SBCCC 200.93(b)(2) which provides information regarding reporting student hours in membership.]
(5) Tuition Student Enrolled in More Than One College. Where a student desires to enroll for the same semester at two or more colleges of the system, the total amount of tuition and fees may be paid to the student's "home" college. "Home" college is defined as the college which the student initially registers for classes. The "home" college shall, in that case, assume responsibility for arranging with the other college or colleges for enrolling the student in appropriate classes without

further charge. Such arrangement shall be made by exchange of letters between the colleges involved. Student membership hours for instruction received shall be reported by the college in which the respective instruction occurred.

(6) Tuition Rates Out-of-State:

(A) Any full-time curriculum student who is an out-of-state resident shall pay tuition fees as established by the State Board for each semester or term as set by the Legislature.

(B) An out-of-state resident who is a part-time student shall pay a per credit hour rate for curriculum instruction as established by the State Board as set by the Legislature.

(7) Tuition Waivers:

(A) Individuals in the categories set forth in G.S. 115D-5(b) shall be exempt from tuition for specialized training courses only, unless otherwise permitted under this Rule.

(B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one curriculum or extension course per semester, as well as the summer term, in the system without payment of tuition or registration fee.

(C) Basic Law Enforcement Training Program (BLET) for law enforcement officers. All law enforcement officers employed by a municipal, county, state, or federal law enforcement agency when taking courses in a state mandated BLET training program, are exempt from tuition payment. Also, trainees shall be exempt from BLET class tuition if a letter of sponsorship from a state, county, or municipal law enforcement agency is on file at the college.

(D) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged tuition.

(E) High school students taking courses pursuant to Paragraph (c) (concurrent enrollment) and Paragraph (e) (cooperative high school programs) of 1D SBCCC 200.95 and 1D SBCCC 300.99 of this Chapter shall not be charged tuition.

(F) Patients in state alcoholic rehabilitation centers shall not be charged tuition.

(G) Juveniles committed to the Department of Juvenile Justice and Delinquency Prevention shall not be charged tuition.

(H) Prison inmates shall not be charged tuition.

(b) Pre-Enrollment Deposit. The local board of trustees may establish a pre-enrollment deposit up to a maximum of fifteen dollars ($15.00). The pre-enrollment deposit, if established, shall be required only when a prospective student has made application for admission and has been accepted. This advance payment is not refundable unless the class(es) fails to materialize or a refund is required by the death of the student. This advance payment shall be deposited to the State Treasurer and credited against the full tuition due from the student during the regular registration period. For the purposes of this Rule, any tuition refund granted shall not include the pre-enrollment deposit of the student unless a refund is granted when a class fails to materialize or because of the student's death.

(c) Late Enrollment Fee. A late enrollment fee up to five dollars ($5.00) may be charged curriculum students registering after the specific closing date of registration, with such fees becoming state funds.

(d) Tuition Refunds:

(1) A refund shall not be made except under the following circumstances:

(A) A 100 percent refund shall be made if the student officially withdraws prior to the first day of class(es) of the academic semester or term as noted in the college calendar. Also, a student is eligible for a 100 percent refund if the class in which the student is officially registered is cancelled due to insufficient enrollment.

(B) A 75 percent refund shall be made if the student officially withdraws from the class(es) prior to or on the official 10 percent point of the semester.

(C) For classes beginning at times other than the first week (seven calendar days) of the semester a 100 percent refund shall be made if the student officially withdraws from the class prior to the first class meeting. A 75 percent refund shall be made if the student officially withdraws from the class prior to or on the 10 percent point of the class.

(D) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the 10th calendar day of the class.

(2) To comply with applicable federal regulations regarding refunds, federal regulations supersede the state refund regulations stated in this Rule.

(3) Where a student, having paid the required tuition for a semester, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all tuition and fees for that semester may be refunded to the estate of the deceased.

(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.

(e) Military Tuition Refund. Upon request of the student, each college shall:

(1) Grant a full refund of tuition and fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and

(2) Buy back textbooks through the colleges' bookstore operations to the extent possible. Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; P.L. 93-508; S.L. 1995, c. 625; S.L. 2010-31, s. 8.6; Eff. February 1, 1976;
Amended Eff.; September 1, 1993; December 1, 1984
Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. June 1, 1994;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. April 1, 2011; August 1, 2010; April 1, 2005; August 1, 2002; August 1, 1998.

400. REGISTRATION FEES - CONTINUING EDUCATION

1E SBCCC 400.99 FEES FOR EXTENSION PROGRAMS

(a) Registration fees for Non-Curriculum Extension Instruction. For purposes of administration of this Rule, non-curriculum extension instruction means all instruction organized, supervised, or delivered outside the regular curriculum programs offered by the college.

(1) A registration fee, as established by the State Board, as set by the Legislature shall be charged for each occupational extension class.

(2) Each local board shall establish registration fees for Community Service Programs.

(3) All recreational courses shall be self-supporting. Colleges shall collect and deposit to a local account fees and other contributions to support entirely the costs of all recreational extension courses taught. Also note Paragraph (e) of Rule 1G SBCCC 200.95 of this Subchapter regarding the reporting of student membership hours for this area.

(4) Registration Fee Waivers:

(A) Special Extension Training Programs. No registration fees shall be charged students enrolling for special extension training programs that directly relate to job performance set forth in G.S. 115D-5(b).

(B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one extension or curriculum course per semester in the system without registration fee or tuition charges.

(C) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged registration fees.

(D) Prison inmates shall not be charged registration fees.

(E) Elementary and secondary school teachers who take CPR or first aid classes shall not be charged registration fees.

(F) Members of the North Carolina Civil Air Patrol and individuals engaged in civil preparedness who take special extension training courses that directly relate to their job performance shall not be charged registration fees.

(b) Self-Supported Classes. A self-supporting class is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled. A college may sponsor self-supporting classes, deposit income (if any) to a local account, and pay all expenses from the local account. Each student shall pay a pro-rata share of the cost of a self-supporting class. Since the cost for a self-supporting class is not considered a registration fee, the pro-rata cost for any individual or group is not waived under G.S. 115D-5(b) or G.S. 115B-2.

(1) To promote uniformity in determining cost of the self-supporting classes, direct and indirect costs for these classes are defined as follows:

(A) Direct Costs

(i) Instructor(s) salary including FICA, travel, and course development costs;

(ii) Instructional supplies and materials;

(iii) Rental of buildings;

(iv) Advertising, printing, postage, and mailing;

(v) Equipment;

(vi) Refreshments; and

(vii) Administrative or clerical costs.

(B) Indirect Costs.

Indirect costs are the charges for activities and services that support self-supporting classes which cannot be directly and exclusively assigned to a self-supporting class. Examples of indirect costs shall include utilities, custodial and security services, coordination, administration, or clerical, salary and fringe benefits.

(2) If self-supporting receipts (all categories: e.g., curriculum, community service) exceed expenditures for the fiscal year the following provisions apply:

(A) Surplus funds shall be expended for student financial aid, scholarships, or program improvement. All expenditures shall directly benefit students.

(B) Funds derived from self-supporting classes shall not be used for:

(i) Supplemental salaries of any personnel;

(ii) Administrative support of the college, other than noted above, and only for activities that directly benefit students; and

(iii) College entertainment expense. (Educational activities for non-college personnel or college personnel to enhance student success would not be entertainment. Functions in which the primary purpose is fundraising would be entertainment.)

(3) Each local board of trustees shall adopt a policy regulating the amount of mark-up the college may charge for a self-supporting class and how surplus funds derived from these classes may be used. Each local board of trustees shall review its policy on self-supporting classes at least once every three years. All expenditures must be consistent with the mission and purpose of the community college system.

(c) Driver Education. Colleges shall collect a student fee as established by the local board of trustees for the adult driver education training course offered through the community service program.

(d) Registration Fee Refunds. A refund shall not be made except under the following circumstances:

(1) A student who officially withdraws from an extension class(es) prior to the first class meeting shall be eligible for a 100 percent refund. Also, a student is eligible for a 100 percent refund if an applicable class fails to "make" due to insufficient enrollment.

(2) After the respective class begins, a 75 percent refund shall be made upon the request of the student if the student officially withdraws from the class prior to or on the 10 percent point of the scheduled hours of the class. Note: This Rule is applicable regardless of the number of times the class meets or the number of hours the class is scheduled to meet.

(3) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the tenth calendar day of the class.

(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.

(5) If a student, having paid the required registration fee for a semester or term, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all registration fees for that semester or term may be refunded to the estate of the deceased.

(c) Military Registration Fee Refund. Upon request of the student, each college shall:

(1) Grant a full refund of registration fees to military reserve and national Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and

(2) Buy back textbooks through the colleges' bookstore operations to the extent possible.

Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;
Eff. February 1, 1976;
Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;
Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. June 1, 1994;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998.

500. GED FEES

1E SBCCC 500.99 RESERVED FOR FUTURE CODIFICATION

600. SELF-SUPPORTING CLASSES

1E SBCCC 600.99 FEES FOR EXTENSION PROGRAMS

(a) Registration fees for Non-Curriculum Extension Instruction. For purposes of administration of this Rule, non-curriculum extension instruction means all instruction organized, supervised, or delivered outside the regular curriculum programs offered by the college.

(1) A registration fee, as established by the State Board, as set by the Legislature shall be charged for each occupational extension class.

(2) Each local board shall establish registration fees for Community Service Programs.

(3) All recreational courses shall be self-supporting. Colleges shall collect and deposit to a local account fees and other contributions to support entirely the costs of all recreational extension courses taught. Also note Paragraph (e) of Rule .0325 of this Subchapter regarding the reporting of student membership hours for this area.

(4) Registration Fee Waivers:

(A) Special Extension Training Programs. No registration fees shall be charged students enrolling for special extension training programs that directly relate to job performance set forth in G.S. 115D-5(b).

(B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one extension or curriculum course per semester in the system without registration fee or tuition charges.

(C) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged registration fees.

(D) Prison inmates shall not be charged registration fees.

(E) Elementary and secondary school teachers who take CPR or first aid classes shall not be charged registration fees.

(F) Members of the North Carolina Civil Air Patrol and individuals engaged in civil preparedness who take special extension training courses that directly relate to their job performance shall not be charged registration fees.

(b) Self-Supported Classes. A self-supporting class is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled. A college may sponsor self-supporting classes, deposit income (if any) to a local account, and pay all expenses from the local account. Each student shall pay a pro-rata share of the cost of a self-supporting class. Since the cost for a self-supporting class is not considered a registration fee, the pro-rata cost for any individual or group is not waived under G.S. 115D-5(b) or G.S. 115B-2.

(1) To promote uniformity in determining cost of the self-supporting classes, direct and indirect costs for these classes are defined as follows:

(A) Direct Costs

(i) Instructor(s) salary including FICA, travel, and course development costs;

(ii) Instructional supplies and materials;

(iii) Rental of buildings;

(iv) Advertising, printing, postage, and mailing;

(v) Equipment;

(vi) Refreshments; and

(vii) Administrative or clerical costs.

(B) Indirect Costs.

Indirect costs are the charges for activities and services that support self-supporting classes which cannot be directly and exclusively assigned to a self-supporting class. Examples of indirect costs shall include utilities, custodial and security services, coordination, administration, or clerical, salary and fringe benefits.

(2) If self-supporting receipts (all categories: e.g., curriculum, community service) exceed expenditures for the fiscal year the following provisions apply:

(A) Surplus funds shall be expended for student financial aid, scholarships, or program improvement. All expenditures shall directly benefit students.

(B) Funds derived from self-supporting classes shall not be used for:

(i) Supplemental salaries of any personnel;

(ii) Administrative support of the college, other than noted above, and only for activities that directly benefit students; and

(iii) College entertainment expense. (Educational activities for non-college personnel or college personnel to enhance student success would not be entertainment. Functions in which the primary purpose is fundraising would be entertainment.)

(3) Each local board of trustees shall adopt a policy regulating the amount of mark-up the college may charge for a self-supporting class and how surplus funds derived from these classes may be used. Each local board of trustees shall review its policy on self-supporting classes at least once every three years. All expenditures must be consistent with the mission and purpose of the community college system.

(c) Driver Education. Colleges shall collect a student fee as established by the local board of trustees for the adult driver education training course offered through the community service program.

(d) Registration Fee Refunds. A refund shall not be made except under the following circumstances:

(1) A student who officially withdraws from an extension class(es) prior to the first class meeting shall be eligible for a 100 percent refund. Also, a student is eligible for a 100 percent refund if an applicable class fails to "make" due to insufficient enrollment.

(2) After the respective class begins, a 75 percent refund shall be made upon the request of the student if the student officially withdraws from the class prior to or on the 10 percent point of the scheduled hours of the class. Note: This Rule is applicable regardless of the number of times the class meets or the number of hours the class is scheduled to meet.

(3) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the tenth calendar day of the class.

(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.

(5) If a student, having paid the required registration fee for a semester or term, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all registration fees for that semester or term may be refunded to the estate of the deceased.

(c) Military Registration Fee Refund. Upon request of the student, each college shall:

(1) Grant a full refund of registration fees to military reserve and national Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and

(2) Buy back textbooks through the colleges' bookstore operations to the extent possible.

Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;
Eff. February 1, 1976;
Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;
Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. June 1, 1994;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998.

700. LOCAL FEES

1E SBCCC 700.98 OTHER FEES

(a) Equipment Fees. A local equipment fee may be established, not to exceed the fee charged high school students, in cases where high school buildings and equipment are being used; such fees shall be deposited in the college's local account and paid to the local school unit.

(b) Damage or Breakage Fees. Colleges shall charge no breakage fees, property damage fee, or laboratory fee to students, except in the case of breakage or damage due to gross negligence or maliciousness. Credit may be withheld until proper payment is made.

(c) Library Fines. All library fines, except book replacement fines, shall become local funds and be used for improvement of the library.

(d) General Educational Development (GED) Fee. All applicants who take the GED test at official GED Testing Centers in the system are required to pay a seven dollar and fifty cent ($7.50) fee. This fee shall not be required from individuals incarcerated or receiving treatment in institutions operated by the Department of Correction and the Department of Human Resources.

History Note: Authority G.S. 115D-5; 115D-39; S.L. 1979, Ch. 1300;
Eff. February 1, 1976;
Amended Eff. September 1, 1993; September 1, 1988; August 17, 1981.

1E SBCCC 700.99 AUTHORITY TO ESTABLISH TUITION AND FEES

(a) Authority to Charge. All tuition and registration fees charged to students for applying to or attending any college of the system shall be approved by the State Board. No tuition rate or fee schedule shall be charged without resolution of the State Board specifying the purpose for which the fee is charged.

(b) Time Due and Deferred Payment. Tuition, registration fees and required academic fees are due and payable at the time of the student's registration. The college shall, with approval of the board of trustees, prescribe written procedures to permit short term deferred payment or payment in installments; provided, however, that no student shall be permitted to graduate or to register for a new semester unless payment of such outstanding balance has been guaranteed in writing by a financially responsible person or organization. Colleges are authorized to withhold

transcripts of grades pending resolution of the outstanding obligations. This statement shall not be construed to prohibit a college's local governing board from adding more stringent provisions.

(c) Establishing Optional Fees. Optional fees are fees charged to curriculum and continuing education students for items not covered by tuition and registration fees. Funds derived from optional fees shall be deposited in the institutional account and shall be used to directly benefit students. The president shall report any optional fee established by the board of trustees to the System Office's Business and Finance Division on an annual basis. Boards of trustees may establish on an annual basis the following optional fees:

(1) Specific Fees. Fees charged to students for items required for individual courses that are considered to be in addition to normal supplies and material the college provides for students such as tools, uniforms, insurance, and certification fees;

(2) Student Activity Fee. A fee charged to students to support student activities. The student activity fee shall not exceed the maximum established by the State Board;

(3) Computer Use and Technology Fee. A fee charged to students to support the procurement, operations operation, and repair of computers and other instructional technology including supplies and materials that accompany use of the technology. This fee shall not exceed the maximum established by the State Board; and

(4) Parking Fee. A fee charged to a student for use of the college's parking facilities.

(d) Any optional fee established by a college is considered a separate charge to students and shall not be credited as part payment of tuition or registration fees.

(e) Receipts collected from any optional student fee shall be deposited as State Board regulation shall direct, consistent with state law.

(f) Nothing in any rule shall be construed to condone or to authorize any practice of depositing receipts from any student tuition or other student fees in a special fund account at a college, except optional fee receipts.

(g) Optional fee receipts shall not be used for any purpose other than that for which the fee was approved, e.g., computer equipment could not be purchased for staff members using optional fee receipts.

(h) All fees funds derived from optional fees shall be deposited into a proper college account and all disbursements shall be made by the college business office in accordance with polices adopted by the board of trustees.

(i) Specific Fees shall be approved by the college board of trustees. Such fees shall reflect the actual cost of items received by the student.

(j) Students shall be informed of all approximate fees for a course at the time they enroll. Such fees shall be kept to a minimum consistent with the State Board philosophy to keep student costs as low as possible.

(k) Family Relocation Tuition. Community Colleges may charge in-state tuition to certain out-of-state students who are members of families that were transferred to this state by businesses, industries, or civilian families transferred by the military, for employment. Prior to enrollment, the student shall fulfill the following conditions:

(1) Demonstrate that his or her family moved to this state within the preceding 12 months;

(2) Present a letter to the institution from the employer on corporate letterhead stating that the employee, through whom the student claims this benefit, relocated to this state for employment with that business, industry, or military establishment;

(3) Present proof of his or her familial relationship with the employee unless the student is the employee;

(4) Live in the same house with the employee unless the student is the employee;

(5) Present evidence that he or she is financially dependent on the employee through which he or she claims this benefit unless the student is the employee; and

(6) Comply with the requirements of the Selective Service System, if applicable.

The number of students eligible for in-state tuition under this Rule at a college shall not exceed one percent of the average number of out-of-state students, rounded up to the next whole number, at the college in the academic year immediately preceding enrollment. Eligible students shall be granted this benefit on a first-come, first-serve basis.

History Note: *Authority G.S. 115D-5; 115D-39; 116-143.1; S.L. 1995, c. 625;*
Eff. February 1, 1976;
Amended Eff. September 1, 1993; September 1, 1982; August 17, 1981; January 14, 1980;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. August 1, 2004; July 1, 1998.

800. WAIVERS

1E SBCCC 800.97 TUITION AND FEES FOR CURRICULUM PROGRAMS

(a) Tuition:

(1) Student Residence Classification. The classification of students for tuition purposes shall be made pursuant to G.S. 115B-2, 115D-39, 116-143.1, 116-143.3, and 116-143.5.

(2) Tuition Rates In-State:

(A) A general and uniform tuition rate is established by the State Board as set by the Legislature for full-time curriculum students per semester or term for North Carolina residents.

(B) A North Carolina resident who is a part-time student shall pay a per credit hour rate for curriculum instruction, as established by the State Board, for any semester or term as set by the Legislature.

(3) Learning Laboratory. No tuition fees charged.

(4) Tuition Creditable Upon Transfer of Student. When a student has paid the required tuition at a college and is given permission to transfer to another college within the system during the academic semester for which the tuition was paid, the college from which the student transfers shall issue to him a statement certifying the amounts of tuition that have been paid, and the college to which he is transferring shall accept such certificate in lieu of requiring payment again. [Also, see 23 SBCCC 02D .0323(b)(2) which provides information regarding reporting student hours in membership.]

(5) Tuition Student Enrolled in More Than One College. Where a student desires to enroll for the same semester at two or more colleges of the system, the total amount of tuition and fees may be paid to the student's "home" college. "Home" college is defined as the college which the student initially registers for classes. The "home" college shall, in that case, assume responsibility for arranging with the other college or colleges for enrolling the student in appropriate classes without further charge. Such arrangement shall be made by exchange of letters between the colleges involved. Student membership hours for instruction received shall be reported by the college in which the respective instruction occurred.

(6) Tuition Rates Out-of-State:

(A) Any full-time curriculum student who is an out-of-state resident shall pay tuition fees as established by the State Board for each semester or term as set by the Legislature.

(B) An out-of-state resident who is a part-time student shall pay a per credit hour rate for curriculum instruction as established by the State Board as set by the Legislature.

(7) Tuition Waivers:

(A) Individuals in the categories set forth in G.S. 115D-5(b) shall be exempt from tuition for specialized training courses only, unless otherwise permitted under this Rule.

(B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one curriculum or extension course per semester, as well as the summer term, in the system without payment of tuition or registration fee.

(C) Basic Law Enforcement Training Program (BLET) for law enforcement officers. All law enforcement officers employed by a municipal, county, state, or federal law enforcement agency when taking courses in a state-mandated BLET training program, are exempt from tuition payment. Also, trainees shall be exempt from BLET class tuition if a letter of sponsorship from a state, county, or municipal law enforcement agency is on file at the college.

(D) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged tuition.

(E) High school students taking courses pursuant to Paragraph (c) (concurrent enrollment) and Paragraph (e) (cooperative high school programs) of 23 SBCCC 02C .0305 of this Chapter shall not be charged tuition.

(F) Patients in state alcoholic rehabilitation centers shall not be charged tuition.

(G) Juveniles committed to the Department of Juvenile Justice and Delinquency Prevention shall not be charged tuition.

(H) Prison inmates shall not be charged tuition.

(b) Pre-Enrollment Deposit. The local board of trustees may establish a pre-enrollment deposit up to a maximum of fifteen dollars ($15.00). The pre-enrollment deposit, if established, shall be required only when a prospective student has made application for admission and has been accepted. This advance payment is not refundable unless

the class(es) fails to materialize or a refund is required by the death of the student. This advance payment shall be deposited to the State Treasurer and credited against the full tuition due from the student during the regular registration period. For the purposes of this Rule, any tuition refund granted shall not include the pre-enrollment deposit of the student unless a refund is granted when a class fails to materialize or because of the student's death.

(c) Late Enrollment Fee. A late enrollment fee up to five dollars ($5.00) may be charged curriculum students registering after the specific closing date of registration, with such fees becoming state funds.

(d) Tuition Refunds:

(1) A refund shall not be made except under the following circumstances:

(A) A 100 percent refund shall be made if the student officially withdraws prior to the first day of class(es) of the academic semester or term as noted in the college calendar. Also, a student is eligible for a 100 percent refund if the class in which the student is officially registered is cancelled due to insufficient enrollment.

(B) A 75 percent refund shall be made if the student officially withdraws from the class(es) prior to or on the official 10 percent point of the semester.

(C) For classes beginning at times other than the first week (seven calendar days) of the semester a 100 percent refund shall be made if the student officially withdraws from the class prior to the first class meeting. A 75 percent refund shall be made if the student officially withdraws from the class prior to or on the 10 percent point of the class.

(D) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the 10th calendar day of the class.

(2) To comply with applicable federal regulations regarding refunds, federal regulations supersede the state refund regulations stated in this Rule.

(3) Where a student, having paid the required tuition for a semester, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all tuition and fees for that semester may be refunded to the estate of the deceased.

(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.

(e) Military Tuition Refund. Upon request of the student, each college shall:

(1) Grant a full refund of tuition and fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and

(2) Buy back textbooks through the colleges' bookstore operations to the extent possible. Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; P.L. 93-508; S.L. 1995, c. 625; S.L. 2010-31, s. 8.6; Eff. February 1, 1976;
Amended Eff.; September 1, 1993; December 1, 1984
Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. June 1, 1994;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. April 1, 2011; August 1, 2010; April 1, 2005; August 1, 2002; August 1, 1998.

1E SBCCC 800.98 FEES FOR EXTENSION PROGRAMS

(a) Registration fees for Non-Curriculum Extension Instruction. For purposes of administration of this Rule, non-curriculum extension instruction means all instruction organized, supervised, or delivered outside the regular curriculum programs offered by the college.

(1) A registration fee, as established by the State Board, as set by the Legislature shall be charged for each occupational extension class.

(2) Each local board shall establish registration fees for Community Service Programs.

(3) All recreational courses shall be self supporting. Colleges shall collect and deposit to a local account fees and other contributions to support entirely the costs of all recreational extension courses taught. Also note Paragraph (e) of Rule .0325 of this Subchapter regarding the reporting of student membership hours for this area.

(4) Registration Fee Waivers:

(A) Special Extension Training Programs. No registration fees shall be charged students enrolling for special extension training programs that directly relate to job performance set forth in G.S. 115D-5(b).

(B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one extension or curriculum course per semester in the system without registration fee or tuition charges.

(C) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged registration fees.

(D) Prison inmates shall not be charged registration fees.

(E) Elementary and secondary school teachers who take CPR or first aid classes shall not be charged registration fees.

(F) Members of the North Carolina Civil Air Patrol and individuals engaged in civil preparedness who take special extension training courses that directly relate to their job performance shall not be charged registration fees.

(b) Self-Supported Classes. A self-supporting class is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled. A college may sponsor self-supporting classes, deposit income (if any) to a local account, and pay all expenses from the local account. Each student shall pay a pro-rata share of the cost of a self-supporting class. Since the cost for a self-supporting class is not considered a registration fee, the pro-rata cost for any individual or group is not waived under G.S. 115D-5(b) or G.S. 115B-2.

(1) To promote uniformity in determining cost of the self-supporting classes, direct and indirect costs for these classes are defined as follows:

(A) Direct Costs

(i) Instructor(s) salary including FICA, travel, and course development costs;

(ii) Instructional supplies and materials;

(iii) Rental of buildings;

(iv) Advertising, printing, postage, and mailing;

(v) Equipment;

(vi) Refreshments; and

(vii) Administrative or clerical costs.

(B) Indirect Costs.

Indirect costs are the charges for activities and services that support self-supporting classes which cannot be directly and exclusively assigned to a self-supporting class. Examples of indirect costs shall include utilities, custodial and security services, coordination, administration, or clerical, salary and fringe benefits.

(2) If self-supporting receipts (all categories: e.g., curriculum, community service) exceed expenditures for the fiscal year the following provisions apply:

(A) Surplus funds shall be expended for student financial aid, scholarships, or program improvement. All expenditures shall directly benefit students.

(B) Funds derived from self-supporting classes shall not be used for:

(i) Supplemental salaries of any personnel;

(ii) Administrative support of the college, other than noted above, and only for activities that directly benefit students; and

(iii) College entertainment expense. (Educational activities for non-college personnel or college personnel to enhance student success would not be entertainment. Functions in which the primary purpose is fundraising would be entertainment.)

(3) Each local board of trustees shall adopt a policy regulating the amount of mark-up the college may charge for a self-supporting class and how surplus funds derived from these classes may be used. Each local board of trustees shall review its policy on self-supporting classes at least once every three years. All expenditures must be consistent with the mission and purpose of the community college system.

(c) Driver Education. Colleges shall collect a student fee as established by the local board of trustees for the adult driver education training course offered through the community service program.
(d) Registration Fee Refunds. A refund shall not be made except under the following circumstances:
(1) A student who officially withdraws from an extension class(es) prior to the first class meeting shall be eligible for a 100 percent refund. Also, a student is eligible for a 100 percent refund if an applicable class fails to "make" due to insufficient enrollment.
(2) After the respective class begins, a 75 percent refund shall be made upon the request of the student if the student officially withdraws from the class prior to or on the 10 percent point of the scheduled hours of the class. Note: This Rule is applicable regardless of the number of times the class meets or the number of hours the class is scheduled to meet.
(3) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the tenth calendar day of the class.
(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.
(5) If a student, having paid the required registration fee for a semester or term, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all registration fees for that semester or term may be refunded to the estate of the deceased.
(e) Military Registration Fee Refund - Upon request of the student, each college shall:
(1) Grant a full refund of registration fees to military reserve and national Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and
(2) Buy back textbooks through the colleges' bookstore operations to the extent possible.
Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;
Eff. February 1, 1976;
Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;
Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. June 1, 1994;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998.

1E SBCCC 800.99 FEE WAIVERS FOR THE HUMAN RESOURCES DEVELOPMENT PROGRAM
(a) Tuition and fees for enrollment in courses coded in the Master Course List as Human Resources Development shall be waived if the student enrolling meets at least one of the following criteria:
(1) Is unemployed;
(2) Has received notification of a pending layoff;
(3) Is working and is eligible for the Federal Earned Income Tax Credit (FEITC); or
(4) Is working and earning wages at or below two hundred percent (200%) of the federal poverty guidelines.
Courses included in the Master Course List shall address the six core components set forth in Subparagraph (2)(f) of Rule 02E .0101.
(b) Students for whom tuition and fees are waived shall sign a form adopted by the State Board of Community Colleges verifying that they meet one of these criteria.

History Note: Authority G.S. 115D-5; S.L. 2001, c.424, s.30.3(b) and (e);
Eff. February 1, 1976;
Amended Eff. August 17, 1981;
Temporary Amendment Eff. October 4, 2001;
Amended Eff. April 1, 2003.

900. REFUNDS

1E SBCCC 900.98 TUITION AND FEES FOR CURRICULUM PROGRAMS

(a) Tuition:

(1) Student Residence Classification. The classification of students for tuition purposes shall be made pursuant to G.S. 115B-2, 115D-39, 116-143.1, 116-143.3, and 116-143.5.

(2) Tuition Rates In-State:

(A) A general and uniform tuition rate is established by the State Board as set by the Legislature for full-time curriculum students per semester or term for North Carolina residents.

(B) A North Carolina resident who is a part-time student shall pay a per credit hour rate for curriculum instruction, as established by the State Board, for any semester or term as set by the Legislature.

(3) Learning Laboratory. No tuition fees charged.

(4) Tuition Creditable Upon Transfer of Student. When a student has paid the required tuition at a college and is given permission to transfer to another college within the system during the academic semester for which the tuition was paid, the college from which the student transfers shall issue to him a statement certifying the amounts of tuition that have been paid, and the college to which he is transferring shall accept such certificate in lieu of requiring payment again. [Also, see 23 SBCCC 02D .0323(b)(2) which provides information regarding reporting student hours in membership.]

(5) Tuition Student Enrolled in More Than One College. Where a student desires to enroll for the same semester at two or more colleges of the system, the total amount of tuition and fees may be paid to the student's "home" college. "Home" college is defined as the college which the student initially registers for classes. The "home" college shall, in that case, assume responsibility for arranging with the other college or colleges for enrolling the student in appropriate classes without further charge. Such arrangement shall be made by exchange of letters between the colleges involved. Student membership hours for instruction received shall be reported by the college in which the respective instruction occurred.

(6) Tuition Rates Out-of-State:

(A) Any full-time curriculum student who is an out-of-state resident shall pay tuition fees as established by the State Board for each semester or term as set by the Legislature.

(B) An out-of-state resident who is a part-time student shall pay a per credit hour rate for curriculum instruction as established by the State Board as set by the Legislature.

(7) Tuition Waivers:

(A) Individuals in the categories set forth in G.S. 115D-5(b) shall be exempt from tuition for specialized training courses only, unless otherwise permitted under this Rule.

(B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one curriculum or extension course per semester, as well as the summer term, in the system without payment of tuition or registration fee.

(C) Basic Law Enforcement Training Program (BLET) for law enforcement officers. All law enforcement officers employed by a municipal, county, state, or federal law enforcement agency when taking courses in a state-mandated BLET training program, are exempt from tuition payment. Also, trainees shall be exempt from BLET class tuition if a letter of sponsorship from a state, county, or municipal law enforcement agency is on file at the college.

(D) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged tuition.

(E) High school students taking courses pursuant to Paragraph (c) (concurrent enrollment) and Paragraph (e) (cooperative high school programs) of 23 SBCCC 02C .0305 of this Chapter shall not be charged tuition.

(F) Patients in state alcoholic rehabilitation centers shall not be charged tuition.

(G) Juveniles committed to the Department of Juvenile Justice and Delinquency Prevention shall not be charged tuition.

(H) Prison inmates shall not be charged tuition.

(b) Pre-Enrollment Deposit. The local board of trustees may establish a pre-enrollment deposit up to a maximum of fifteen dollars ($15.00). The pre-enrollment deposit, if established, shall be required only when a prospective student has made application for admission and has been accepted. This advance payment is not refundable unless the class(es) fails to materialize or a refund is required by the death of the student. This advance payment shall be deposited to the State Treasurer and credited against the full tuition due from the student during the regular registration period. For the purposes of this Rule, any tuition refund granted shall not include the pre-enrollment deposit of the student unless a refund is granted when a class fails to materialize or because of the student's death.

(c) Late Enrollment Fee. A late enrollment fee up to five dollars ($5.00) may be charged curriculum students registering after the specific closing date of registration, with such fees becoming state funds.

(d) Tuition Refunds:

(1) A refund shall not be made except under the following circumstances:

(A) A 100 percent refund shall be made if the student officially withdraws prior to the first day of class(es) of the academic semester or term as noted in the college calendar. Also, a student is eligible for a 100 percent refund if the class in which the student is officially registered is cancelled due to insufficient enrollment.

(B) A 75 percent refund shall be made if the student officially withdraws from the class(es) prior to or on the official 10 percent point of the semester.

(C) For classes beginning at times other than the first week (seven calendar days) of the semester a 100 percent refund shall be made if the student officially withdraws from the class prior to the first class meeting. A 75 percent refund shall be made if the student officially withdraws from the class prior to or on the 10 percent point of the class.

(D) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the 10th calendar day of the class.

(2) To comply with applicable federal regulations regarding refunds, federal regulations supersede the state refund regulations stated in this Rule.

(3) Where a student, having paid the required tuition for a semester, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all tuition and fees for that semester may be refunded to the estate of the deceased.

(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.

(e) Military Tuition Refund. Upon request of the student, each college shall:

(1) Grant a full refund of tuition and fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and

(2) Buy back textbooks through the colleges' bookstore operations to the extent possible. Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: Authority G.S. 115D-5; 115D-39; 116-143.1; P.L. 93-508; S.L. 1995, c. 625; S.L. 2010-31, s. 8.6; Eff. February 1, 1976;
Amended Eff.; September 1, 1993; December 1, 1984
Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. June 1, 1994;
Temporary Amendment Eff. June 1, 1997;
Amended Eff. April 1, 2011; August 1, 2010; April 1, 2005; August 1, 2002; August 1, 1998.

1E SBCCC 900.99 FEES FOR EXTENSION PROGRAMS

(a) Registration fees for Non-Curriculum Extension Instruction. For purposes of administration of this Rule, non-curriculum extension instruction means all instruction organized, supervised, or delivered outside the regular curriculum programs offered by the college.

(1) A registration fee, as established by the State Board, as set by the Legislature shall be charged for each occupational extension class.

(2) Each local board shall establish registration fees for Community Service Programs.

(3) All recreational courses shall be self supporting. Colleges shall collect and deposit to a local account fees and other contributions to support entirely the costs of all recreational extension courses taught. Also note Paragraph (e) of Rule .0325 of this Subchapter regarding the reporting of student membership hours for this area.

(4) Registration Fee Waivers:

(A) Special Extension Training Programs. No registration fees shall be charged students enrolling for special extension training programs that directly relate to job performance set forth in G.S. 115D-5(b).

(B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one extension or curriculum course per semester in the system without registration fee or tuition charges.

(C) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged registration fees.

(D) Prison inmates shall not be charged registration fees.

(E) Elementary and secondary school teachers who take CPR or first aid classes shall not be charged registration fees.

(F) Members of the North Carolina Civil Air Patrol and individuals engaged in civil preparedness who take special extension training courses that directly relate to their job performance shall not be charged registration fees.

(b) Self-Supported Classes. A self-supporting class is not reported to the state for budget FTE since the cost of conducting the course is paid by students enrolled. A college may sponsor self-supporting classes, deposit income (if any) to a local account, and pay all expenses from the local account. Each student shall pay a pro-rata share of the cost of a self-supporting class. Since the cost for a self-supporting class is not considered a registration fee, the pro-rata cost for any individual or group is not waived under G.S. 115D-5(b) or G.S. 115B-2.

(1) To promote uniformity in determining cost of the self-supporting classes, direct and indirect costs for these classes are defined as follows:

(A) Direct Costs

(i) Instructor(s) salary including FICA, travel, and course development costs;

(ii) Instructional supplies and materials;

(iii) Rental of buildings;

(iv) Advertising, printing, postage, and mailing;

(v) Equipment;

(vi) Refreshments; and

(vii) Administrative or clerical costs.

(B) Indirect Costs.

Indirect costs are the charges for activities and services that support self supporting classes which cannot be directly and exclusively assigned to a self supporting class. Examples of indirect costs shall include utilities, custodial and security services, coordination, administration, or clerical, salary and fringe benefits.

(2) If self supporting receipts (all categories: e.g., curriculum, community service) exceed expenditures for the fiscal year the following provisions apply:

(A) Surplus funds shall be expended for student financial aid, scholarships, or program improvement. All expenditures shall directly benefit students.

(B) Funds derived from self-supporting classes shall not be used for:

(i) Supplemental salaries of any personnel;

(ii) Administrative support of the college, other than noted above, and only for activities that directly benefit students; and

(iii) College entertainment expense. (Educational activities for non-college personnel or college personnel to enhance student success would not be

entertainment. Functions in which the primary purpose is fundraising would be entertainment.)

(3) Each local board of trustees shall adopt a policy regulating the amount of mark-up the college may charge for a self-supporting class and how surplus funds derived from these classes may be used. Each local board of trustees shall review its policy on self-supporting classes at least once every three years. All expenditures must be consistent with the mission and purpose of the community college system.

(c) Driver Education. Colleges shall collect a student fee as established by the local board of trustees for the adult driver education training course offered through the community service program.

(d) Registration Fee Refunds. A refund shall not be made except under the following circumstances:

(1) A student who officially withdraws from an extension class(es) prior to the first class meeting shall be eligible for a 100 percent refund. Also, a student is eligible for a 100 percent refund if an applicable class fails to "make" due to insufficient enrollment.

(2) After the respective class begins, a 75 percent refund shall be made upon the request of the student if the student officially withdraws from the class prior to or on the 10 percent point of the scheduled hours of the class. Note: This Rule is applicable regardless of the number of times the class meets or the number of hours the class is scheduled to meet.

(3) A 100 percent refund shall be made if the student officially withdraws from a contact hour class prior to the first day of class of the academic semester or term or if the college cancels the class. A 75 percent refund shall be made if the student officially withdraws from a contact hour class on or before the tenth calendar day of the class.

(4) For a class(es) which the college collects receipts which are not required to be deposited into the State Treasury account, the college shall adopt local refund policies.

(5) If a student, having paid the required registration fee for a semester or term, dies during that semester (prior to or on the last day of examinations of the college the student was attending), all registration fees for that semester or term may be refunded to the estate of the deceased.

(e) Military Registration Fee Refund. Upon request of the student, each college shall:

(1) Grant a full refund of registration fees to military reserve and national Guard personnel called to active duty or active duty personnel who have received temporary or permanent reassignments as a result of military operations then taking place outside the state of North Carolina that make it impossible for them to complete their course requirements; and

(2) Buy back textbooks through the colleges' bookstore operations to the extent possible.

Colleges shall use distance learning technologies and other educational methodologies to help these students, under the guidance of faculty and administrative staff, complete their course requirements.

History Note: Authority G.S. 115D-5; 115D-39; S.L. 1995, c. 625;
Eff. February 1, 1976;
Amended Eff. September 1, 1993; August 1, 1983; August 17, 1981;
Temporary Amendment Eff. November 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
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Amended Eff. September 1, 2011; August 1, 2002; July 1, 1998.