



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

*Jennifer Haygood*

*Acting President*

23 January 2018

**IMPORTANT INFORMATION**

**MEMORANDUM**

**TO:** Members of the State Board of Community Colleges  
Community College Presidents  
Boards of Trustees Chairs  
Community College Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Distance Learning, Chief Financial Officers, Financial Aid Officers, Planners, Public Information Officers, Registrars, Student Development Administrators, & Other Interested Parties

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

**RE: Adoption of 1A SBCCC 200.3 "Authority to Waive a SBCC Code Provision"**

On 19 January 2018, the State Board of Community Colleges voted to adopt 1A SBCCC 200.3 "Authority to Waive a SBCC Code Provision" because there may be a legitimate need for the SBCC to temporarily waive a rule rather than adopt or repeal an entire rule. This rule would allow the waiver of a rule for a certain period of time for the reasons delineated in the rule.

**The rule will be effective 1 February 2018. The new rule will be published on the NC Community College System's website, [www.nccommunitycolleges.edu](http://www.nccommunitycolleges.edu), under "State Board Code."** For your convenience, a copy of the rule is attached to this memorandum.

**CC18-001  
E-mail Copy**

Attachment

**STATE BOARD OF COMMUNITY COLLEGES CODE  
TITLE 1 – COMMUNITY COLLEGES**

**CHAPTER A. STATE BOARD GOVERNANCE**

**SUBCHAPTER 200. STATE BOARD AUTHORITY**

**1A SBCCC 200.3 Authority to Waive a SBCC Code Provision**

(a) The SBCC has the authority to waive any existing rule or portion of a rule in the SBCC Code for the following reasons:

- (1) To comply with federal or state law, and federal or state law requires adoption, amendment, or repeal in a time period less than the rulemaking time period allotted by the SBCC Code;
- (2) To address a serious or unforeseen threat to the public health or safety;
- (3) To address an unforeseen circumstance where the State Board finds that adherence to the notice and hearing requirements in the SBCC Code would be contrary to the public interest of students or other community college stakeholders; or
- (4) To launch a pilot program.

(b) The SBCC shall specify the basis for the waiver, the conditions of the waiver, and the duration of the waiver.

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

*Eff. [February 1, 2018](#).*