MEMORANDUM

TO: Senior Continuing Education Administrators
Chief Academic Officers

FROM: Kimberly Gold, Senior Vice President/Chief Academic Officer
Bryan Jenkins, Executive Director of Accountability and State Board Affairs

DATE: December 11, 2019

RE: Community Colleges Budget/2019-21 Biennium – Captive Programs

Session Law 2019-235 (Senate Bill 61), Community Colleges Budget/2019-21 Biennium, was signed into law on November 1, 2019 and except where otherwise noted is effective July 1, 2019. Section 3.4 of this act included below, amends statute and prior session law to change how colleges provide instruction to captive students both in prison and jail environments, beginning with the 2019-20 academic year.

ALLOW COMMUNITY COLLEGES TO EARN FTE FOR INSTRUCTION IN LOCAL JAILS

SECTION 3.4.(a) Section 8.3(b) of S.L. 2010-31 reads as rewritten:
"SECTION 8.3.(b) Courses in federal prisons or local jails shall not earn regular budget full-time equivalents, but may be offered on a self-supporting basis."

SECTION 3.4.(b) G.S. 115D-5 reads as rewritten:
"§ 115D-5. Administration of institutions by State Board of Community Colleges; personnel exempt from North Carolina Human Resources Act; extension courses; tuition waiver; in-plant training; contracting, etc., for establishment and operation of extension units of the community college system; use of existing public school facilities.
...
(c) No course of instruction shall be offered by any community college at State expense or partial State expense to any captive or co-opted group of students, as defined by the State Board of Community Colleges, without prior approval of the State Board of Community Colleges. All course offerings approved for State prison inmates or prisoners in local jails must be tied to clearly identified job skills, transition needs, or both. Approval by the State Board of Community Colleges shall be presumed to constitute approval of both the course and the group served by that institution. The State Board of Community Colleges may delegate to the President the power to make an initial approval, with final approval to be made by the State Board of Community Colleges. A course taught without such approval will not yield any full-time equivalent students, as defined by the State Board of Community Colleges.
(c1) Community colleges shall report full-time equivalent (FTE) student hours for correction education programs on the basis of contact hours rather than student membership hours. No
community college shall operate a multi-entry/multi-exit class or program in a prison facility, except for a literacy class or program.

The State Board shall work with the Division of Adult Correction and Juvenile Justice of the Department of Public Safety on offering classes and programs that match the average length of stay of an inmate in a prison facility.

SECTION 3.4.(c) Beginning with the 2019-2020 academic year, community college courses offered in local jails shall earn regular budget full-time equivalents.

The following actions are taking place within the System Office to support colleges in responding to these changes:

1) State Board Code – 1G SBCCC 200.95(d)
   • Conforming changes will be required to the State Board of Community College Code, striking 1G SBCCC 200.95(d). We anticipate that the State Board will consider this change at its meeting on January 17, 2020.

2) Captive Approval Process
   • Development of a Captive Approval Request process specific to ‘jails’ to meet the standard of G.S. 115D-5(c) and 1D SBCCC 700.98.

3) Data Tracking
   • Colleague identifier for course sections provided in local jail facilities.

4) Compliance
   • Section 3.4.(b) of S.L. 2019-235 applies beginning with the 2019-20 academic year, colleges would make no changes to their Summer 2019 ICR submissions related to the change in G.S. 115D-5(c1).

   • It is the recommendation of the System Office that Fall 2019 course sections in process be completed as originally scheduled. Any amendments to current Fall 2019 course sections require the corresponding updates in Colleague and related college documentation.

The NCCCS intent is to have updates in place for colleges to move forward with their Spring 2020 academic term under the new law. Detailed information and process direction will be provided pending State Board of Community College action on code and approval requests.

Questions regarding the above changes or the processes taking place at the System Office may be directed to Karen Tikkanen, tikkanenk@nccommunitycolleges.edu / 919-807-7158.