



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

James C. Williamson, Ph.D.

President

15 September 2017

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, Continuing Education Officers, Financial Aid Officers, Planners, Public Information Officers, Registrars, Student Development Administrators, & Other Interested Parties
- FROM:** Q. Shanté Martin, *NCCCS General Counsel*
- RE:** **Proposed Amendment to 1B SBCCC 500.1 – “School Absence for National Guard Service”**

The State Board of Community Colleges (SBCC) has initiated the rulemaking process to amend **1B SBCCC 500.1 – “School Absence for National Guard Service.”** In Section 2 of H.B. 486, the NC General Assembly directs the State Board of Community Colleges (“SBCC”) to adopt and implement a uniform policy throughout the Community College System to provide any student enrolled in a community college who is a National Guard service member placed onto State active duty status during an academic term shall be given an excused absence for the period of time the student is on active duty. Further, the policies shall provide options to the student for completion or withdrawal from classes that will not penalize the student academically.

On 21 July 2017, the SBCC temporarily adopted 1B SBCCC 500.1 – “School Absence for National Guard Service” pursuant to 3B SBCCC 400.1(a). The SBCC made the temporary rule effective retroactively to 1 July 2017.

System Office staff reviewed the temporary rule to recommend a permanent rule. Further, because North Carolina serves a large population of students who are in the military, increasing those who are eligible for the accommodations beyond the National Guard will help the colleges better serve students who are attempting to balance their education and military duties. Thus, the review process resulted in agreement to recommend the broadening of the impact of the rule to all those serving in the military, not just the National Guard.

In response to legislative direction and within the parameters of 3B SBCCC 400.1(a), the System Office staff is requesting that the SBCCC approve the permanent rule.

The proposed amendment is published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code." For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Please post a copy of the proposed rule 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 rule. Please note that any person who submits a public comment on behalf of their community college should comply with their college's local process for submitting comments on a proposed rule. **Written comments on the rule must be received by no later than 5:00 p.m. on October 15, 2017.** Any member of the public has the right to request a hearing on the proposed rule. **Requests for a hearing must be received by no later than 5:00 p.m. on September 30, 2017.** 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.

**CC17-039
E-mail Copy**

Attachments



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: 15 September 2017

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amend 1B SBCCC – “School Absence for National Guard Service”
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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:	<p>In Section 2 of H.B. 486, the NC General Assembly directs the State Board of Community Colleges (“SBCC”) to adopt and implement a uniform policy throughout the Community College System to provide any student enrolled in a community college who is a National Guard service member placed onto State active duty status during an academic term shall be given an excused absence for the period of time the student is on active duty. Further, the policies shall provide options to the student for completion or withdrawal from classes that will not penalize the student academically.</p> <p>On 21 July 2017, the SBCC temporarily adopted 1B SBCCC 500.1 – “School Absence for National Guard Service” pursuant to 3B SBCCC 400.1(a). The SBCC made the temporary rule effective retroactively to 1 July 2017.</p> <p>System Office staff reviewed the temporary rule to recommend a permanent rule. Further, because North Carolina serves a large population of students who are in the military, increasing those who are eligible for the accommodations beyond the National Guard will help the colleges better serve students who are attempting to balance their education and military duties. Thus, the review process resulted in agreement to recommend the broadening of the impact of the rule to all those serving in the military, not just the National Guard.</p> <p>In response to legislative direction and within the parameters of 3B SBCCC 400.1(a), the System Office staff is requesting that the SBCCC approve the permanent rule.</p>
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Proposed Effective Date of Rule	December 1, 2017
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1 **STATE BOARD OF COMMUNITY COLLEGES CODE**
2 **TITLE 1 – COMMUNITY COLLEGES**

3
4 **CHAPTER B. COLLEGE OPERATIONS**

5
6 **CHAPTER 500. STUDENT RIGHTS AND RESPONSIBILITIES**

7
8 **1B SBCCC 500.1 Excused School Absence for Military National Guard Service**

9 ~~Beginning with the Fall 2017 academic term, each community college shall allow a~~
10 ~~student enrolled in a community college who is a National Guard service member placed~~
11 ~~onto State active duty status during an academic term to be given an excused absence~~
12 ~~for the period of time the student is on active duty. Each community college shall adopt a~~
13 ~~policy to give an excused absence to any student who is in the United States Armed~~
14 ~~Forces who has received temporary or permanent re-assignment as a result of military~~
15 ~~operations and to any student who is a National Guard service member placed onto State~~
16 ~~active duty status during an academic term for the period of time the student is on active~~
17 ~~duty. The policy shall further provide the following:~~

- 18 (a) Colleges shall provide the student the opportunity to make up any test or other work
19 missed during the excused absence.
- 20 (b) Colleges shall give the student the option, when feasible, to continue classes and
21 coursework during the academic term through online participation for the period of
22 time the student is placed on active duty.
- 23 (c) Colleges shall give the student the option of receiving a temporary grade of
24 "incomplete (IN)" or "absent from the final exam (AB)" for any course that the student
25 was unable to complete as a result of being placed on State active duty status;
26 however, the student must complete the course requirements within the period of time
27 specified by the college to avoid receiving a failing grade for the course.
- 28 (d) Colleges shall permit the student to drop, with no penalty, any course that the student
29 was unable to complete as a result of being placed on State active duty status.

1 (e) Colleges shall permit the student to drop, with no financial penalty, any course that
2 the student was unable to complete as a result of the excused absence as set forth
3 in 1E SBCCC 900.4.
4

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

6 *Temporary Adoption Eff. ~~July 1, 2017~~ July 1, 2017;*

7 *Amended Eff. December 1, 2017.*

DRAFT