



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 Amendments to the Senior Citizen Audit Rules**

The State Board of Community Colleges (SBCC) has initiated the rulemaking process to amend the following:

- Proposed Amendment of 1D SBCCC 700.1 – “Audited Courses”**
- Proposed Amendment of 1E SBCCC 100.1 – “Definitions”**
- Proposed Amendment of 1E SBCCC Subchapter 1000 – “Audited Courses”**

In Section 10.12 of Session Law 2017-57, the NC General Assembly directed the SBCC to adopt policies allowing senior citizens to audit courses at North Carolina community colleges without payment of any required registration fee or tuition for the audit. Further, it is important to have a framework for audited courses in general. Because there was not a general auditing rule currently in the SBCC Code, a general auditing rule accompanied the rules for senior citizens.

On 21 July 2017, the SBCC temporarily adopted 1D SBCCC 700.1 – “Audited Courses,” amended 1E SBCCC 100.1 – “Definitions,” and adopted 1E SBCCC Subchapter 1000 – “Audited Courses” pursuant to 3B SBCCC 400.1(a). The SBCC made the temporary rules effective retroactively to 1 July 2017.

In partnership with community college administrators, the Programs division staff reviewed the temporary rules to recommend permanent rules. The review process resulted in minor adjustments.

In response to legislative direction and within the parameters of 3B SBCCC 400.1(a), the Programs division staff is requesting that the SBCC approve the permanent rules as follows:

- 1D SBCCC 700.1 – “Audited Courses”:
 - o There may be many reasons that a student audits a course besides “self-enrichment.” The change removes the limitation of motive to audit a course.
 - o Local colleges need a method to limit the eligibility of courses for audit. It is not academically sound for some courses to be offered as an audit.
- 1E SBCCC 100.1 – “Definitions”: No changes are recommended.
- 1E SBCCC Subchapter 1000 – “Audited Courses”: The minor change clarifies the “Self Supporting Fees” paragraph.

The proposed amendments 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, are 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. 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 rules 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 rules. **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.

**CC17-040
E-mail Copy**

Attachments



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: 15 September 2017

<p style="text-align: center;">Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</p>	<p>Amend 1D SBCCC 700.1 – “Audited Courses” Amend 1E SBCCC 100.1 – “Definitions” Amend 1E SBCCC Subchapter 1000 – “Audited Courses”</p>
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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	

<p style="text-align: center;">Rationale for proposed adoption, amendment or repeal:</p>	<p>In Section 10.12 of Session Law 2017-57, the NC General Assembly directed the State Board of Community Colleges (“SBCC”) to adopt policies allowing senior citizens to audit courses at North Carolina community colleges without payment of any required registration fee or tuition for the audit. Further, it is important to have a framework for audited courses in general. Because there was not a general auditing rule currently in the SBCC Code, a general auditing rule accompanied the rules for senior citizens.</p> <p>On 21 July 2017, the SBCC temporarily adopted 1D SBCCC 700.1 – “Audited Courses,” amended 1E SBCCC 100.1 – “Definitions,” and adopted 1E SBCCC Subchapter 1000 – “Audited Courses” pursuant to 3B SBCCC 400.1(a). The SBCC made the temporary rules effective retroactively to 1 July 2017.</p> <p>In partnership with community college administrators, the Programs division staff reviewed the temporary rules to recommend permanent rules. The review process resulted in minor adjustments.</p> <p>In response to legislative direction and within the parameters of 3B SBCCC 400.1(a), the Programs division staff is requesting that the SBCC approve the permanent rules as follows:</p> <ul style="list-style-type: none"> • 1D SBCCC 700.1 – “Audited Courses”: <ul style="list-style-type: none"> ○ There may be many reasons that a student audits a course besides “self-enrichment.” The change removes the limitation of motive to audit a course. ○ Local colleges need a method to limit the eligibility of courses for audit. It is not academically sound for some courses to be offered as an audit. • 1E SBCCC 100.1 – “Definitions”: No changes are recommended. • 1E SBCCC Subchapter 1000 – “Audited Courses”: The minor change clarifies the “Self Supporting Fees” paragraph.
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<p style="text-align: center;">Proposed Effective Date of Rule</p>	<p style="text-align: center;">December 1, 2017</p>
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1D SBCCC 700.1 is proposed for amendment as follows:



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

3
4 **CHAPTER D. EDUCATION PROGRAMS**

5
6 **SUBCHAPTER 700. GENERAL PROVISIONS**

7
8 **1D SBCCC 700.1 Audited Courses**

9 (a) Definition. "Audit" means to enroll in a course section ~~for self-enrichment and without~~
10 ~~the opportunity to receive~~receiving a grade, academic credit, continuing education
11 unit, or certificate of completion. Students shall pay to audit courses consistent with
12 the provisions of 1E SBCCC Subchapter 1000.

13 (b) Eligibility to Audit. A student may audit a course section only on a space available
14 basis as determined by the college. A student who audits a course section shall not
15 displace ~~other students~~ enrolling or registering to receive a grade, academic credit,
16 continuing education unit or certificate of completion~~seeking to enroll~~ in the course
17 section. The student must receive approval to audit a course section consistent with
18 the college's local procedures.

19 (c) Local Policy. Students approved to audit course sections must comply with local
20 college policies related to auditing courses. Colleges may adopt policies and
21 procedures identifying courses available and not available for audit.

22 (d) Transcript. The college shall specify on a student's transcript if a student audited a
23 course section.

24
25 *History Note: Authority G.S. 115D-5;*

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

27 *Amended Eff. December 1, 2017.*

1E SBCCC 100.1 is proposed for amendment as follows:



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

3
4 **CHAPTER E. STUDENT TUITION AND FEES**

5
6 **SUBCHAPTER 100. DEFINITIONS**

7
8 **1E SBCCC 100.1 Definitions**

9 The following definitions apply to this Chapter:

- 10 (a) “Enroll” – To become a student in a course section by registering for the course section
11 and either making payment or receiving financial aid for that course section. For the
12 purposes of this definition, a tuition or registration fee waiver is a form of financial aid.
13 (b) “Local Fees” – A fee charged to a student for a good or service provided by the college
14 other than instruction.
15 (c) “Register” – To complete the procedure defined by the college to sign up for a course
16 section.
17 (d) “Registration Fee” – The amount charged to a student to enroll in a continuing
18 education course section that earns budget FTE as described in 1G SBCCC 100.99.
19 (e) “Self-Supporting Fee” – A fee charged to a student to enroll in a course section that is
20 offered on a self-supporting basis, as provided by 1E SBCCC Subchapter 600.
21 (f) “Tuition” - The amount charged to a student to enroll in a curriculum course section
22 that earns budget FTE as described in 1G SBCCC 100.99.
23 (g) “Waive” – To exempt a student from paying a charge that would otherwise be required
24 and adjust the student’s account accordingly. The amount waived represents revenue
25 foregone by the entity that would have otherwise received the benefit of the revenue.
26 (h) “Audit” – Shall have the same meaning as in 1D SBCCC 700.1(a).

27
28 *History Note: Authority G.S. 115D-5;*

29 *Eff. May 16, 2014;*

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

31 *Amended Eff. December 1, 2017.*



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

3
4 **CHAPTER E. STUDENT TUITION AND FEES**

5
6 **SUBCHAPTER 1000. AUDITED COURSES**

7
8 **1E SBCCC 1000.1 General Provisions**

- 9 (a) Tuition and Fees Required. Except as otherwise provided by law, students who audit
10 a course section are required to pay the applicable tuition, registration fee, and other
11 fees charged consistent with this Chapter.

12
13 *History Note: Authority G.S. 115D-5; G.S. 115B-2.2;*

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

15 *Amended Eff. December 1, 2017.*

16
17 **1E SBCCC 1000.2 Special Provisions for Senior Citizens**

- 18 (a) Definition of Senior Citizen. For the purposes of this provision, an individual is a senior
19 citizen if the individual is at least 65 years of age as of the first day of the applicable
20 course section. The individual must provide proof of age through a driver's license,
21 State identification card, or other government-issued document.
- 22 (b) No Tuition or Registration Fee Required. Notwithstanding 1D SBCCC 700.1; 1E
23 SBCCC 300.1, 1E SBCCC 400.1, and 1E SBCCC 1000.1(a) and consistent with G.S.
24 115B-2.2, a senior citizen may audit a course section without payment of any required
25 tuition or registration fee.
- 26 (c) Self-Supporting Fees Required. Senior citizens shall pay the applicable self-
27 supporting fee ~~to audit~~ for enrollment or registration into a self-supporting course
28 section.
- 29 (d) Local Fees. Senior citizens shall pay any applicable local fees to audit a course
30 section consistent with the college's local fee policies.

1 (e) Reporting: Colleges shall follow System Office procedures for tracking and reporting
2 the number of senior citizens who audit courses under subsection (b). Student
3 membership hours associated with senior citizens who audit courses under
4 subsection (b) shall not be counted in the computation of enrollment for funding
5 purposes (budget full-time equivalent students).
6

7 *History Note: Authority G.S. 115D-5; G.S. 115B-2.2;*

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

9 *Amended Eff. December 1, 2017.*

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