



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Dr. William S. Carver, Interim President

21 August 2020

MEMORANDUM

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

FROM: Jonathan R. Harris, *NCCCS General Counsel*

RE: Extending Four Temporary Amendments in Response to COVID-19

1G SBCCC 200.1 – General Provisions

1E SBCCC 700.2 – Student Activity Fees

1E SBCCC 700.3 – Instructional Technology Fees

1H SBCCC 300.3 – Bookstore and Bookstore Commissions

On 19 March 2020, the State Board of Community Colleges adopted four temporary amendments in response to the COVID-19 outbreak. The amendments gave colleges flexibility in responding to budgetary and scheduling impacts associated with the outbreak. They were set to expire on 15 September 2020, but the State Board has readopted the amendments, extending them for another 180 days:

- **1G SBCCC 200.1 – General Provisions**
 - The flexibility colleges currently have to make up instructional time due to adverse weather events is extended to emergency events.

- **1E SBCCC 700.2 – Student Activity Fees**
 - This change allows colleges to use student activity fees to address impacts associated with the COVID-19 outbreak.

- **1E SBCCC 700.3 – Instructional Technology Fees**
 - This change allows colleges to use instructional technology fees to address impacts associated with the COVID-19 outbreak. It also allows colleges to use the fees to purchase computers and other technology for the use of college employees.

- **1H SBCCC 300.3 – Bookstore and Bookstore Commissions**
 - This change allows colleges to use excess bookstore revenues to address impacts associated with the COVID-19 outbreak.

The amendments will be extended effective 15 September 2020, to run for another 180 days. The State Board may extend this duration again, if necessary. The temporary amendments will be published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code." For your convenience, a copy of each temporary amendment is attached to this memorandum.

CC20-055
E-mail Copy

Attachments

STATE BOARD OF COMMUNITY COLLEGES
Proposed Re-adoption of Four Temporary Amendments Due to COVID-19

Authority

The State Board can adopt temporary amendments to address serious threats to public health and safety (3B SBCCC 400.1). The State Board can also waive provisions of the Code to address unforeseen circumstances where notice and hearing would be contrary to the interest of community college stakeholders (1A SBCCC 200.3).

Reason for the Amendments

The amendments are meant to give colleges additional flexibility in responding to the ongoing impacts associated with COVID-19, including unknown future impacts on college budgets.

Duration of the Amendments

The amendments would become effective on September 15th and will remain in place for 180 days or until rescinded by the State Board.

Summary of the Temporary Amendments

- **1G SBCCC 200.1 – General Provisions**
 - The flexibility colleges currently have to make up instructional time due to adverse weather events would be extended to emergency events.

- **1E SBCCC 700.2 – Student Activity Fees**
 - This change would allow colleges to use student activity fees to address impacts associated with the COVID-19 outbreak.

- **1E SBCCC 700.3 – Instructional Technology Fees**
 - This change would allow colleges to use instructional technology fees to address impacts associated with the COVID-19 outbreak. It would also allow colleges to use the fees to purchase computers and other technology for the use of college employees.

- **1H SBCCC 300.3 – Bookstore and Bookstore Commissions**
 - This change would allow colleges to use excess bookstore revenues to address impacts associated with the COVID-19 outbreak.



1 **State Board of Community Colleges Code**
2 **TITLE 1. COMMUNITY COLLEGES**

3
4 **CHAPTER G. FULL-TIME EQUIVALENT (FTE)**

5
6 **SUBCHAPTER 200. FTE REPORTING CATEGORIES/CRITERIA**

7
8 **1G SBCCC 200.1 General Provisions**

9 (a) FTE Reporting. As directed by the System Office, colleges shall report FTE enrollment
10 in all course sections scheduled during each academic term reporting period. If a
11 course section is scheduled for a time period that crosses academic term reporting
12 periods, the FTE enrollment shall be reported as follows:

13 (1) For curriculum course sections that are regularly scheduled, as defined in 1G
14 SBCCC 200.93(b), FTE enrollment shall be reported in the academic term
15 reporting period in which the 10% point of the class falls.

16 (2) For curriculum course sections that are non-regularly scheduled, as defined in 1G
17 SBCCC 200.93(c), and all continuing education course sections, FTE enrollment
18 shall be reported in the academic term reporting period in which the last day of the
19 course falls.

20 The System Office shall provide colleges no less than 21 calendar days after the
21 end of the academic term reporting period to submit FTE enrollment data.

22 (b) Instruction Provided Outside the College's Service Area. Excluding clinical instruction,
23 a college may provide instruction outside its service area, as established per 1A
24 SBCCC 300, only if the appropriate instructional service agreement is executed
25 consistent with 1D SBCCC 300.6 and 1D SBCCC 400.96. If the instructional service
26 agreement provides for the sharing of FTE, the colleges that are party to the
27 agreement shall prorate the number of FTE reported consistent with the provisions of
28 the agreement and the rules of this Chapter.

29 (c) Making Up Instructional Hours Due to Adverse Weather or Other Emergency Events.
30 A college is responsible for delivering instruction to meet the learning outcomes of
31 each course it provides. If it is not possible or it will not be possible to reschedule all

1 class hours missed due to adverse weather or other emergency events, the instruction
2 may be made up by other alternatives included in the college's adverse weather policy
3 or other policies, such as online instruction and alternative assignments. In a
4 correctional education setting, a college may make up instructional time by issuing
5 evening and weekend assignments and documenting students' successful completion
6 of the assignments. The college must maintain documentation of how instruction was
7 rescheduled or otherwise made up until released from all compliance reviews.

8
9 *History Note: Authority G.S. 115D-5;*

10 *Eff. [May 1, 2017](#)*

11 *Temporary Amendment Eff. [October 19, 2018](#); Temporary Amendment*
12 *Expired. April 17, 2019;*

13 *Amended Eff. [November 1, 2019](#)*

14 *Temporary Amendment Eff. [March 19, 2020](#). Temporary Amendment*
15 *expires on September 15, 2020.*

16 *Temporary Amendment Eff. [September 15, 2020](#).*



1 **State Board of Community Colleges Code**
2 **TITLE 1. COMMUNITY COLLEGES**

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

5
6 **SUBCHAPTER 700. LOCAL FEES**

7
8 **1E SBCCC 700.2 Student Activity Fees**

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

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

19 (1) Permissible Activities: For the purposes of this section, “student activity” means an
20 activity that is provided primarily for the benefit of students and whose participants
21 are primarily students, excluding instruction for which students pay tuition and
22 registration fees. Examples of student activities include the following:

- 23 (A) student centers;
24 (B) student government associations;
25 (C) student clubs;
26 (D) student enrichment and student social activities;
27 (E) student identification cards;
28 (F) student athletics;
29 (G) student health services; and
30 (H) student accident insurance

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

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

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

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

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

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

11 (F) Capital improvement projects constructed for student activities, such as student
12 centers, student lounges, and athletic facilities. If a capital improvement project
13 serves multiple purposes, student activity fee receipts may be used to support
14 capital expenditures in proportion to the square footage of the project dedicated
15 to student activities.

16 (3) Impermissible expenses: Colleges shall not use student activity fee receipts to
17 support personnel and other operating costs related to college employees having
18 positions that are the fiscal responsibility of the State or local governments and do
19 not directly support student activities, including, but not limited to, academic
20 advisors, counselors, recruiters, admissions staff, and security personnel.
21 Colleges shall not use student activity fee receipts for capital improvements
22 projects constructed for purposes other than student activities.

23 (c) Notwithstanding section (b), a college may use student activity fees to address impacts
24 associated with the COVID-19 outbreak.

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

27 *Eff. [May 16, 2014](#).*

28 *Temporary Amendment Eff. [March 19, 2020](#). Temporary Amendment*
29 *expires on September 15, 2020.*

30 *Temporary Amendment Eff. [September 15, 2020](#).*

1E SBCCC 700.3 is temporarily amended as follows:



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

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6 **SUBCHAPTER 700. LOCAL FEES**

7
8 **1E SBCCC 700.3 Instructional Technology Fees**

9 (a) Fee Rates. The local board of trustees is authorized to establish a fee charged to
10 students to support student access to instructional technology. The instructional
11 technology fee shall not exceed \$48 per academic term for curriculum students and
12 \$5 per course for continuing education students. However, subject to the prior
13 approval of the SBCC, local boards of trustees have the authority to establish an
14 instructional technology fee that exceeds the \$48 per academic term for curriculum
15 students. Instructional technology fees shall not be charged to individuals who
16 participate only in meetings or seminars.

17 (b) Use of Fee Receipts. Instructional technology fee receipts shall be used to support
18 costs of procuring, maintaining, and operating instructional technology, including both
19 information technology (hardware and software) used primarily for instructional
20 purposes and specialized instructional equipment necessary for hands-on instruction.
21 Colleges are authorized to use instructional technology fee receipts to hire support
22 positions to operate, maintain, and repair this technology, as well as buy the
23 necessary supplies and materials for operations. In addition, colleges may use
24 technology fee receipts to address impacts associated with the COVID-19 outbreak.
25 ~~Instructional technology fee receipts shall not be used to purchase computers and~~
26 ~~other technology used primarily by college employees, nor may instructional~~
27 ~~technology fee receipts be used to support positions that do not directly support this~~
28 ~~instructional technology.~~

29
30 *History Note: Authority G.S. 115D-5; G.S. 115D-39;*

31 *Eff. [May 16, 2014](#).*

1 Temporary Amendment Eff. [March 19, 2020.](#) Temporary Amendment
2 expires on September 15, 2020.
3 Temporary Amendment Eff. [September 15, 2020.](#)



1 **State Board of Community Colleges Code**

2 **TITLE 1. COMMUNITY COLLEGES**

3
4 **CHAPTER H. FISCAL MANAGEMENT**

5
6 **SUBCHAPTER 300. INSTITUTIONAL FUNDS**

7
8 **1H SBCCC 300.3 Bookstore and Bookstore Commissions**

9 (a) Bookstore operations. All financial transactions pertaining to bookstore operations
10 shall be accounted for in a proprietary institutional account and kept separate from all
11 other activities of the college. At least every four years, the board of trustees of each
12 college shall review the college's mark-up on textbooks and other instructional
13 materials sold through the bookstore to determine if the mark-up is appropriately
14 balanced between affordability for students and other priorities identified by the local
15 board of trustees.

16 (b) Use of bookstore operating revenues. Bookstore receipts shall first be used to support
17 bookstore operating expenses including, but not limited to salaries and benefits of
18 bookstore personnel, purchase of inventory, marketing, supplies, travel, equipment
19 associated with the operation of the bookstore, enhancement of the bookstore, and
20 bookstore facility support costs, such as, utilities, housekeeping, maintenance, and
21 security.

22 (c) Excess bookstore revenues. Receipts in excess of the above operating expenses
23 shall be transferred to the appropriate account and expended consistent with the
24 following provisions:

25 (1) Funds may be used to support instruction, student support services, student
26 financial aid (e.g. scholarships, grants, loans, Work Study), student refunds,
27 student activities, giveaways to students, curriculum development, program
28 improvement, professional development, instructional equipment, and capital
29 improvements related to facilities associated with the bookstore and student
30 activities. In addition, funds may be used to address impacts associated with the
31 COVID-19 outbreak.

1 (2) Funds shall not be used to support any supplemental salary, benefit, or other form
2 of compensation for the college president. Funds shall not be used to support
3 administrative costs, promotional giveaways to individuals other than students,
4 entertainment expenses, fundraising expenses, and capital improvements not
5 allowed under (c)(1) above.

6
7 *History Note: Authority G.S. 115D-5; 115D-58.13;*

8 *Eff. [November 1, 2015](#).*

9 *Temporary Amendment Eff. [March 19, 2020](#). Temporary Amendment*
10 *expires on September 15, 2020.*

11 *Temporary Amendment Eff. [September 15, 2020](#).*