



## NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

*Peter Hans, President*

February 25, 2020

### MEMORANDUM

- TO:** Members of the State Board of Community Colleges  
Community College Presidents  
Chairs of the Boards of Trustees  
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, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties
- FROM:** Jonathan R. Harris, *NCCCS General Counsel*
- RE:** **Proposed Amendment of 1D SBCCC 400.6 – Curriculum Program Approvals and Terminations**

The State Board of Community Colleges (“SBCC”) has initiated the rulemaking process to amend **1D SBCCC 400.6 – Curriculum Program Approvals and Terminations**.

The proposed amendment makes a number of changes to the rule. Changes of note are listed below:

- 1) Changes the language of “[t]he State Board shall grant a college approval...” to “[t]he State Board may, in its discretion grant a college approval...” in order to give the State Board more flexibility when reviewing program applications (p. 1, lines 14-15).
- 2) Allows the State Board to grant program approvals on a conditional basis (p. 1, line 15).
- 3) Adds a requirement for an applying college to document the objections from other colleges (p. 2, lines 14-17).
- 4) Adds a requirement for an applying college to document the attempted resolution of objections (p. 2, lines 18-19).
- 5) Describes what a college must do to properly document attempted resolutions of objections (p. 2, lines 22-31; p. 3, lines 1-19). The process

begins with a good faith attempt by the applying college to resolve the objections with the objecting colleges (p. 2, lines 24-27). If this is unsuccessful, the applying college can request a mediation with the objecting colleges. The mediator will be the System President (p. 2, lines 28-31; p. 3, line 1). If the objections remain unresolved after mediation, the applying college can request to move its application forward to the State Board for consideration (p. 2, lines 9-14). The State Board may allow the applying college and the objecting colleges to appear before it to explain their respective positions prior to deciding on the application (p. 2, lines 15-19).

**The proposed amendment is published on the NC Community College System's website, [www.nccommunitycolleges.edu/sbcccode](http://www.nccommunitycolleges.edu/sbcccode).** For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language. 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 26 March 2020.** 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 11 March 2020.** Written comments and requests for hearing shall be directed to the following address: Jonathan Harris, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by **email to [publiccomments@nccommunitycolleges.edu](mailto:publiccomments@nccommunitycolleges.edu)**. Thank you for your attention to this matter.

**CC20-018  
E-mail Copy**

Attachments



# State Board of Community Colleges Code

## Notice of Proposed Rulemaking Form

Date: 25 February 2020

|   |   |
|---|---|
| <b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b> | Amend 1D SBCCC 400.6 – “Curriculum Program Approvals and Terminations.” |
|---|---|

Specify whether the SBCC proposes to adopt amend, or repeal a rule:

| Adopt<br>(new rule)      | Amend<br>(change existing rule)     | Repeal<br>(delete entire rule) |
|--------------------------|-------------------------------------|--------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>       |

|  |  |
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| <b>Rationale for proposed adoption, amendment or repeal:</b> | The NC Community College Presidents Association made recommendations to change items F and G. Other changes were proposed by System Office staff in an effort to clarify the rule. |
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| <b>Proposed Effective Date of Rule</b> | May 1, 2020 |
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1 **State Board of Community Colleges Code**  
2 **TITLE 1. COMMUNITY COLLEGES**

3  
4 **CHAPTER D. EDUCATION PROGRAMS**

5  
6 **SUBCHAPTER 400. CURRICULUM**

7  
8 **1D SBCCC 400.6 Curriculum Program Approvals and Terminations**

9 (a) Curriculum Program Approvals. ~~Community colleges shall issue degrees, diplomas,~~  
10 ~~and certificates to individuals who satisfactorily complete course and program~~  
11 ~~requirements.~~ The approval of a college to award degrees, diplomas, or certificates  
12 shall be by individual curriculum program title.

13 (1) ~~The approval of a college to award the associate degree, diploma, or certificate~~  
14 ~~shall be by individual curriculum program title.~~ The State Board may, in its  
15 discretion, shall grant a college the approval or conditional approval to award the  
16 associate in applied science degree, diploma, or certificate. A program application  
17 from a when the college has must provided provide the following:

18 (A) Notification to all colleges of intent to apply for the program;

19 ~~(A)~~ (B) Evidence that the program will provide graduates with opportunities for  
20 employment;

21 (C) Program of study which is in compliance with the curriculum standard of the  
22 proposed program;

23 (D) Local Board of Trustee meeting minutes documenting discussion and approval  
24 of addition of the program;

25 ~~(B)~~ (E) Local board of trustees' signed certification of the following:

26 (i) The program will enhance the workforce of North Carolina;

27 (ii) The program will provide educational and training opportunities consistent  
28 with the mission of the college, and will not duplicate the opportunities  
29 currently offered by the college;

30 (iii) The college has assessed the need for the program and the resources  
31 required to maintain a viable program;

- 1 (iv) The college can operate the program efficiently and effectively within the  
2 resources available to the college; and
- 3 (v) The college shall will provide an Accountability Report ~~consistent with 1D~~  
4 SBCCC 400.6(a)(1)(J) to the State Board documenting student enrollment,  
5 completion rates, employment, program outlook, and address any  
6 conditions imposed by the State Board as part of the program approval ~~to~~  
7 ~~the State Board of Community Colleges~~ three years after implementation of  
8 the program;
- 9 ~~(C) Program of study which is in compliance with the curriculum standard of the~~  
10 ~~proposed program;~~
- 11 ~~(D) Local Board of Trustee meeting minutes documenting discussion and approval~~  
12 ~~of addition of the program;~~
- 13 ~~(E) Notification to all colleges of intent to apply for the program;~~
- 14 (F) Impact assessment of the program addition and documentation of any objections  
15 from other colleges approved to offer the same or similar programs in a  
16 contiguous service area or any colleges with the same or similar programs which  
17 contain a clinical site;
- 18 (G) Documentation of Resolution resolution or attempted resolution of any negative  
19 impact assessments objections from the colleges described in (F). ~~approved to~~  
20 ~~offer the same or similar programs in a contiguous service area or any colleges~~  
21 ~~with the same or similar programs which contain a clinical site~~
- 22 (i) An applying college must proceed through the following steps in order to  
23 properly document its attempts to resolve objections:
- 24 (I) The applying college shall work in good faith with objecting colleges to  
25 resolve objections. If all objections are resolved, the applying college shall  
26 document the resolution in the program application and the application will  
27 be moved forward for State Board consideration.
- 28 (II) If objections remain unresolved after working in good faith and the applying  
29 college still wants to move its program application forward, the applying  
30 college must request a mediation with the objecting colleges. The request  
31 for mediation shall be sent to all objecting colleges and the President of the

1 North Carolina Community College System, who will serve as the mediator.  
2 The request shall document the efforts made to resolve outstanding  
3 objections. The mediator shall schedule the mediation no later than 90  
4 calendar days after receiving the request.

5 (III) If the parties to the mediation reach a resolution at the mediation, the  
6 objections shall be considered resolved. The mediator shall document the  
7 resolution in the program application and the application shall be moved  
8 forward for consideration by the State Board.

9 (IV) If the parties to the mediation do not reach a resolution at the mediation,  
10 the mediator shall document the impasse in the program application. The  
11 applying college shall notify the mediator in writing within ten business days  
12 as to whether it wants to move its program application forward for  
13 consideration by the State Board. If no notification is received or is received  
14 after the ten-day period, the application will be considered withdrawn.

15 (V) If the applying college decides to move its application forward after a  
16 mediation impasse, the State Board, in its discretion, may allow the applying  
17 college and objecting colleges to appear before it to explain their respective  
18 positions. The State Board may decide to approve the application, approve  
19 the application with conditions, deny the application, or table the application.

20 (H) The application signed by the college president and the chairman of the college's  
21 board of trustees upon authority of the full board of trustees.

22 ~~(I) The President of the North Carolina Community College System shall~~  
23 ~~recommend action on the college's curriculum program application to the State~~  
24 ~~Board of Community Colleges.~~

25 ~~(J) An Accountability Report documenting student enrollment, completion rates,~~  
26 ~~employment and program outlook shall be provided to the State Board of~~  
27 ~~Community Colleges three years after implementation of the program.~~

28 (2) The State Board ~~shall~~ may, in its discretion, grant a college the approval or  
29 conditional approval to award the Associate in Engineering ~~program~~ degree. A  
30 program application from ~~when~~ a college has ~~must~~ provided provide the following:

1D SBCCC 400.6 is proposed for amendment as follows:

- 1           (A) Program of study which is in compliance with the Associate in Engineering  
2           curriculum standard.
- 3           (B) Local Board of Trustee meeting minutes documenting discussion and approval  
4           of addition of the Associate in Engineering degree.
- 5           ~~(A)~~(C) Local Board of Trustees' signed certification that:
- 6           (i) The program will enhance the workforce of North Carolina;
- 7           (ii) The program will provide educational and training opportunities consistent  
8           with the mission of the college;
- 9           (iii) The college has assessed the need for the program and the facilities and  
10           resources required to maintain a viable program and can operate the  
11           program efficiently and effectively within the resources available to the  
12           college;
- 13           (iv) The college has evidence of sufficient student demand to offer the program;  
14           and
- 15           (v) The college will provide master's credentialed faculty for each course  
16           provided under the Associate in Engineering degree.
- 17           ~~(B) Program of study which is in compliance with the Associate in Engineering~~  
18           ~~curriculum standard.~~
- 19           ~~(C) Local Board of Trustee meeting minutes documenting discussion and approval~~  
20           ~~of addition of the Associate in Engineering degree.~~
- 21           (3) ~~Colleges shall obtain approval from~~ The State Board delegates to the President of  
22           the North Carolina Community College System the authority to add grant a college  
23           approval to award an associate in arts, associate in science, and associate in fine  
24           arts degrees, associate in general education, associate in general education  
25           nursing, health science: therapeutic and diagnostic services program majors, and  
26           the general occupational technology curriculum programs.
- 27           (4) The State Board delegates to the President of the North Carolina Community  
28           College System the authority to grant a college the approval to award the  
29           associate degree, diploma, or certificate for program titles that have been  
30           approved for this delegation by the State Board of Community Colleges based  
31           upon a widespread immediate need for the job training and minimal impact upon

1D SBCCC 400.6 is proposed for amendment as follows:

1 other colleges.

2 (5) The State Board delegates to the President of the North Carolina Community  
3 College System the authority to grant a college the approval to award a curriculum  
4 program which is classified as a concentration if the applying college already has  
5 approval to offer the parent program.

6 (b) Curriculum Program Terminations. The college shall terminate a curriculum program  
7 when there has been no enrollment for two consecutive years or if the college has not  
8 offered the program or has not had enrollment in the program within two years of the  
9 date the program was approved by the State Board of Community Colleges. A college  
10 may request a one-year extension of a curriculum program upon justification of the  
11 potential for employment opportunities and student enrollment. Each college planning  
12 to terminate a curriculum program shall inform the President of the North Carolina  
13 Community College System by submitting a termination notice. The President of the  
14 North Carolina Community College System shall have the program removed from the  
15 college's program approval list. Program terminations shall be reported to the State  
16 Board of Community Colleges a minimum of twice a year.

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18 *History Note: Authority G.S. 115D-5; 115D-20(6); S.L. 1995, c. 625;*

19 *Eff. February 1, 1976;*

20 *Readopted January 5, 1978;*

21 *Amended Eff. September 1, 1993; January 1, 1988; August 17, 1981;*  
22 *July 1, 1979;*

23 *Temporary Amendment Eff. June 1, 1997;*

24 *Amended Eff. \_\_\_\_\_; [November 1, 2017](#); August 1, 2004; July*  
25 *1, 1998.*