



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

*Peter Hans, President*

23 March 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 200.95 – Education Services for Minors**

The State Board of Community Colleges (“SBCC”) has initiated the rulemaking process to amend 1D SBCCC 200.95 – Education Services for Minors. The proposed amendment repeals references to dual enrollment and concurrent enrollment programs that have been replaced by Career and College Promise (Curriculum and Workforce Continuing Education).

**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, are attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language. Please post copies 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 public comments 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 22 April 2020.** 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 7 April 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**.  
Thank you for your attention to this matter.

**CC20-024**  
**E-mail Copy**

Attachments



# State Board of Community Colleges

## Notice of Proposed Rulemaking Form

Date: 23 March 2020

<b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b>	Amend 1D SBCCC 200.95 - "Education Services for Minors"
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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)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Rationale for proposed adoption, amendment or repeal:</b>	Previous dual enrollment/concurrent enrollment programs were replaced by the Career and College Promise Legislation which is now part of 1D SBCCC 400.11 Education Services through Career and College Promise (Curriculum) and in 1D SBCCC 300.4(c)(1)(D) Workforce Continuing Education.
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<b>Proposed Effective Date of Rule</b>	June 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 200. BASIC SKILLS**

7  
8 **1D SBCCC 200.95 EDUCATION SERVICES FOR MINORS**

9 (a) The major purpose of community colleges is to serve students who have graduated  
10 from high school or are beyond the compulsory age limit of the public school and have  
11 left public school. However, a minor may seek admission to a community college  
12 subject to the conditions in this Section.

13 (b) Drop-out. A minor, 16 years old or older, who is not currently enrolled in a public or  
14 private educational agency may be admitted to a Basic Skills or Continuing Education  
15 program at a college if a North Carolina local public or private educational agency,  
16 where the minor now resides, determines that admission to a Basic Skills or  
17 Continuing Education program is the best educational option for the student and the  
18 admission of the student to a Basic Skills or Continuing Education program is  
19 approved by the college under one of the following conditions:

20 (1) If the minor, 16 years old or older, has officially withdrawn from a public or private  
21 educational agency within the last six months, a college may admit the minor to a  
22 Basic Skills or Continuing Education program if the minor obtains a signed official  
23 withdrawal form from the local public or private educational agency and a notarized  
24 petition of the minor's parent, legal guardian, or other person or agency having  
25 legal custody and control. The petition shall certify the minor's residence, date of  
26 birth, date of leaving school, name of last school attended, and the petitioner's  
27 legal relationship to the minor.

28 (2) If the minor, 16 years old or older, has officially withdrawn from a public or private  
29 educational agency for at least six months, a college may admit the minor to a  
30 Basic Skills or Continuing Education program without the release form from the  
31 public or private educational agency. However, the minor must obtain a notarized

1D SBCCC 200.95 is proposed for amendment as follows:

1 petition of the minor's parent, legal guardian, or other person or agency having  
2 legal custody and control. The petition shall certify the minor's residence, date of  
3 birth, date of leaving school, name of last school attended, and the petitioner's  
4 legal relationship to the minor.

5 (3) If the minor is an emancipated minor, the requirement for the release form from  
6 the public or private educational agency and the requirement for the notarized  
7 petition are waived. The minor must provide legal documentation of emancipation.  
8 Admission requirements for an emancipated minor shall be the same as for an  
9 applicant 18 years old or older.

10 ~~(c) Concurrent Enrollment. Concurrent enrollment allows a high school student to be~~  
11 ~~enrolled in high school and in a local institution of higher education at the same time.~~  
12 ~~A high school student, 16 years old or older, based upon policies approved by the~~  
13 ~~local public or private board of education and board of trustees, may be admitted to~~  
14 ~~any curriculum course one hundred level and above or any continuing education~~  
15 ~~course, except adult basic skills, concurrently under the following conditions:~~

16 ~~(1) Upon recommendation of the chief administrative school officer and approval of t~~  
17 ~~he president of the college;~~

18 ~~(2) Upon approval of the student's program by the chief administrative school officer~~  
19 ~~and the president of the college; and~~

20 ~~(3) Upon certification by the chief administrative school officer that the student is~~  
21 ~~taking the equivalent of one-half of a full-time schedule and is making progress~~  
22 ~~toward graduation.~~

23 ~~(d) High school students, taking courses pursuant to Paragraph (c) of this Rule, shall~~  
24 ~~not displace adults but may be admitted during any term on a space-available basis~~  
25 ~~to any curriculum course one hundred level and above or any continuing education~~  
26 ~~course, except adult basic skills. Once admitted, they shall be treated the same as~~  
27 ~~all other students.~~

28 ~~(e) Huskins. Huskins programs enrich high school students by providing college level~~  
29 ~~academic, technical, and advanced vocational courses to high school students that~~  
30 ~~would not otherwise be available to them. Local boards of trustees and local school~~  
31 ~~boards may establish cooperative programs in areas they serve in order to provide~~

1D SBCCC 200.95 is proposed for amendment as follows:

1 college courses to high school students. College credits shall be awarded to those  
2 high school students upon successful completion of the courses. Cooperative  
3 programs shall be approved, prior to implementation, by the State Board or its  
4 designee.

5 (f) ~~Learn and Earn Online Program:~~

6 (1) ~~Definition of Credits. For the purposes of this section, credits mean curriculum~~  
7 ~~courses 100 level or above. For the purposes of this section, credits do not~~  
8 ~~include continuing education courses, cooperative education courses (COE),~~  
9 ~~selected topics (SEL), or seminar topics (SEM).~~

10 (2) ~~Definition of Disabilities. For the purposes of this Section, disabilities shall mean~~  
11 ~~"persons with disabilities" as defined in G.S. 168A-3(7a).~~

12 (3) ~~Student Eligibility. A student shall be permitted to enroll in any online courses~~  
13 ~~through North Carolina community colleges for college credit, regardless of the~~  
14 ~~college service areas in which the student resides under the following conditions:~~

15 (A) ~~The student must be enrolled in a North Carolina school or have completed~~  
16 ~~all high school graduation requirements in a North Carolina school throughout~~  
17 ~~the duration of the online course;~~

18 (B) ~~The student must be enrolled in the 9th, 10th, 11th, or 12th grades;~~

19 (C) ~~The student's enrollment in an online course for college credit is subject to~~  
20 ~~space availability;~~

21 (D) ~~The student must meet the prerequisites, co-requisites and course admission~~  
22 ~~requirements as published in the college's catalog at the time the student~~  
23 ~~seeks to enroll in the online course;~~

24 (E) ~~A student enrolled in grades 9th, 10th, 11th, or 12th is participating in the~~  
25 ~~Learn and Earn Online program by virtue of enrolling in a Learn and Earn~~  
26 ~~Online course; and~~

27 (F) ~~High school students attending a nonpublic school may enroll in any Learn~~  
28 ~~and Earn Online course with space available that has been offered to but not~~  
29 ~~filled by any eligible public school student.~~

30 (4) ~~Course Eligibility.~~

1D SBCCC 200.95 is proposed for amendment as follows:

1       ~~(A) Only online courses in the NCCCS Combined Course Library numbered 100~~  
2       ~~and above are eligible for Learn and Earn Online credits, excluding~~  
3       ~~cooperative education courses (COE), selected topics (SEL), and seminar~~  
4       ~~topics (SEM).~~

5       ~~(B) Only online courses that generate budget FTE are eligible for Learn and Earn~~  
6       ~~Online credits.~~

7       ~~(C) To be eligible for course credit under the Learn and Earn Online Program,~~  
8       ~~courses must be the same as those delivered to other adult college students.~~

9       ~~(5) Costs.~~

10       ~~(A) A student enrolled in Learn and Earn Online shall be exempt from tuition and~~  
11       ~~calculated as budget FTE regardless of the term during which the instruction~~  
12       ~~is provided.~~

13       ~~(B) North Carolina Community Colleges may seek reimbursement from the~~  
14       ~~Department of Public Instruction for technology, course fees, and textbooks~~  
15       ~~required for course participation as set out in S.L. 2009-451, s. 8.6(a).~~

16       ~~(C) A student participating in the Learn and Earn Online program is exempt from~~  
17       ~~any additional college fees.~~

18       ~~(6) Coding. Enrollment in a Learn and Earn Online course shall be coded as~~  
19       ~~T90920.~~

20       ~~(7) Program Completion. If students meet the curriculum program requirements~~  
21       ~~effective at the time of enrollment, they are awarded a certificate, diploma or~~  
22       ~~degree. Students shall meet the curriculum program requirements that are~~  
23       ~~applicable to the college from which they are seeking to obtain a certificate,~~  
24       ~~diploma, or degree.~~

25       ~~(8) Transfer of Learn and Earn Online courses. Learn and Earn Online courses listed~~  
26       ~~in the North Carolina Comprehensive Articulation Agreement or listed in the~~  
27       ~~North Carolina Independent Comprehensive Articulation Agreement shall be~~  
28       ~~treated the same as all other courses listed in either Agreement.~~

29       ~~(9) Transfer degree. Learn and Earn Online students who obtain a degree listed in~~  
30       ~~the North Carolina Comprehensive Articulation Agreement or listed in the North~~  
31       ~~Carolina Independent Comprehensive Articulation Agreement shall be treated~~

1D SBCCC 200.95 is proposed for amendment as follows:

1       ~~the same as all other students who have obtained a degree listed in either~~  
2       ~~Agreement.~~

3       ~~(10) Persons with Disabilities. Learn and Earn Online students must abide by the~~  
4       ~~college's disability eligibility standards, as set forth by the Americans with~~  
5       ~~Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, Chapter~~  
6       ~~1, Part 104, Subchapter E (34 C.F.R. 104.41 through 104.47).~~

7       ~~(g) Intellectually Gifted and Mature Students. Students less than 16 years old who are~~  
8       ~~mature enough to function well in an adult education setting and are intellectually~~  
9       ~~gifted as evidenced by a score in the range from the 92nd percentile to the 99th~~  
10       ~~percentile on an aptitude and an achievement test selected from a list of tests~~  
11       ~~approved by the System Office may be admitted to community colleges. Tests~~  
12       ~~included on the System Office approved list shall be selected from the Mental~~  
13       ~~Measurements Year Book published by the Buros Institute of Mental Measurements.~~  
14       ~~The student shall be ranked by an official of the student's school in the top 10~~  
15       ~~percent on the following behavioral characteristics: mature, observant, inquisitive,~~  
16       ~~persistent, innovative, analytical, adaptable, leadership, desire to achieve, self-~~  
17       ~~confidence and communications skills. Students less than 16 years old shall not~~  
18       ~~displace adults but may be admitted any term on a space-available basis to any~~  
19       ~~curriculum course one hundred level and above. Students admitted to community~~  
20       ~~colleges under this Paragraph shall pay the same tuition and fees as other~~  
21       ~~curriculum students.~~

22       ~~(h) Except as authorized by G.S. 115D-20(4), colleges shall not start classes, offer~~  
23       ~~summer school courses, or offer regular high school courses for high school~~  
24       ~~students.~~

25       ~~(i) A college may make available to persons of any age non-credit, non-remedial,~~  
26       ~~enrichment courses during the summer reporting period. These courses shall be~~  
27       ~~self-supporting and shall not earn credit toward a diploma, certificate, or degree at~~  
28       ~~the college or high school.~~

29       ~~(j) At the request of the director of a youth development center having custody of~~  
30       ~~juveniles committed to the Department of Juvenile Justice and Delinquency~~  
31       ~~Prevention, a college may make available to these juveniles any course offered~~



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1 ~~by that college if they meet the course admission requirements. The director's~~  
2 ~~request shall include the director's approval for each juvenile to enroll in the course.~~

3

4 *History Note: Authority G.S. 115D-1; 115D-5; 115D-20; S.L. 1995, c. 625; S.L. 2009-451,*

5 *s. 7.10(j);*

6 *Eff. January 1, 1987;*

7 *Amended Eff. September 1, 1993;*

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

9 *Amended Eff. July 1, 1998;*

10 *Temporary Amendment Eff. August 22, 2001;*

11 *Amended Eff. April 1, 2010, April 1, 2003.*

12 *Amended Eff. \_\_\_\_\_*