

## SUBCHAPTER 400. TEMPORARY RULES

### 3B SBCCC 400.1 Temporary Rule Standard

The SBCC has the authority to adopt a temporary rule or amend or repeal an existing rule on a temporary basis for the following reasons:

- (a) To comply with federal or state law, and federal or state law requires adoption, amendment, or repeal in a time period less than the rulemaking time period allotted by the SBCC Code;
- (b) To address a serious or unforeseen threat to the public health or safety; or
- (c) To address an unforeseen circumstance where the State Board finds that adherence to the notice and hearing requirements in the SBCC Code would be contrary to the public interest of students or other community college stakeholders.

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

*Eff. [June 1, 2014](#);*

*Amended Eff. [April 1, 2017](#).*

### 3B SBCCC 400.2 Adoption of Temporary Rules

- (a) The SBCC has the authority to adopt a temporary rule or amend or repeal an existing rule on a temporary basis without prior notice or hearing or upon any abbreviated notice or hearing the SBCC finds practical at the SBCC meeting immediately following the event precipitating the need for a temporary rule.
- (b) The SBCC shall publish the temporary rule on the NCCCS website within five business days after the SBCC adopts the temporary rule or amend or repeal an existing rule on a temporary basis. A statement specifying the basis for adopting a temporary rule or amending or repealing an existing rule on a temporary basis rather than following the process for a permanent rule shall accompany the temporary rule when it is published on the NCCCS website.
- (c) The temporary rule expires on the earliest of the following dates:
  - (1) The date specified in the temporary rule.
  - (2) The effective date of the permanent rule adopted to replace the temporary rule.

(3) 180 calendar days from the date the temporary rule was published on the NCCCS website, unless the permanent rule has been submitted to the SBCC for initiation of the rulemaking process within the 180 calendar days from the date the temporary rule was published on the NCCCS website. If the permanent rule initiated to replace the temporary rule is not adopted by the SBCC within 90 calendar days from the date the SBCC initiated the permanent rulemaking process, the temporary rule shall expire 90 days from the date the SBCC initiated the permanent rulemaking process.

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

*Eff. [June 1, 2014](#);*

*Amended Eff. [April 1, 2017](#).*