



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

July 7, 2010

IMPORTANT!
Amends CC08-010

MEMORANDUM

TO: Presidents
Business Officers
Continuing Education Administrators
Instructional Administrators
Student Services Officers
Registrars

FROM: Jennifer Haygood
Vice President for Business and Finance and
Chief Financial Officer

SUBJECT: Legislative Changes to Tuition and Registration Fee Waiver Statutes

S.L. 2010-31 (S897) enacted multiple statutory changes to tuition waivers that are effective July 1, 2010 (see attached Sections 8.4 and 9.26 of S.L. 2010-31). While many of the changes enacted are simply technical or intended to improve the general readability of the statute, some substantive changes were enacted. Note that these statutory changes overrule any conflicting language found in the Administrative Code. Changes to the Administrative Code needed to ensure consistency with the General Statutes will be pursued at a later date. This memo provides a summary of the substantive changes to the waiver statutes by impacted group as a result of S.L. 2010-31. It does not provide a comprehensive listing of all waivers.

Law Enforcement Officers

Section 8.4.(a) amends G.S. 115D-5(b) to clarify that tuition and registration fees for training courses for municipal, county, or State law-enforcement officers may be waived. "Municipal, county, or State law-enforcement officers" is defined as law enforcement officers that are employees of the State of North Carolina, a North Carolina municipality, or a North Carolina county.

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Section 8.4.(b) amends G.S. 115D-39 to provide that “any federal law enforcement officer whose permanent duty station is within North Carolina shall also be eligible for the State resident community college tuition rate for law enforcement training courses.” Note that this statutory change negates the full tuition waiver provided by 23 NCAC 2D.0202(7)(c) for Basic Law Enforcement Training (BLET) for officers employed by a federal law enforcement agency.

Senior Citizens

The General Assembly did not make any change to the senior citizen waiver for curriculum instruction; seniors may continue to have up to six hours of credit instruction waived per semester¹. However, it did modify the continuing education waiver. Section 8.4.(a) amends G.S. 115D-5(b) to authorize the waiver of one course of noncredit instruction per academic semester for legal residents of North Carolina age 65 or older. Previously, the continuing education waiver was limited to 96 contact hours.

Prison Inmates

Section 8.4.(a) restores the waiver for prison inmates.² The General Assembly, however, eliminated funding for instruction provided to inmates of local jails and federal prisons. Section 8.3.(b) of S.L. 2010-31 states that “Courses in federal prisons or local jails shall not earn regular budget full-time equivalents, but may be offered on a self-supporting basis.” Consistent with CC02-107, since the amount charged for a self-supporting class is not considered tuition or a registration fee, the cost for any individual or group for a self-supporting class is not waived under G.S. 115D-5(b).

High School Students

Per G.S. 115D-5(b), tuition continues to be waived for high school students taking curriculum courses.³ No statutory change was made to this waiver. However, Section 7.24(h) of S.L. 2010-31 prohibits colleges from generating State funding through budget FTE for courses provided to

¹ Section 8.11.(d) of S.L. 2009-451 enacted the original limitations on the senior citizen tuition waiver: six credit hours of credit instruction and 96 contact hours of noncredit instruction per semester.

² Section 9.4.(a) of S.L. 2010-31 negates Section 8.11.(e) of S.L. 2009-451 which eliminated the waiver for prison inmates effective July 1, 2010.

³ Section 7.24(b) of S.L. 2010-31 states that the General Assembly intends to eliminate the tuition waiver for high school students effective July 1, 2011, except for those students in cooperative innovative high school programs. This language articulates General Assembly intent only. Future legislation will have to be enacted to actually eliminate the waiver.

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high school students in the following course prefixes: **ACA, ANT, ARA, ART, ASL, CHI, COM, DAN, DRA, ECO, ENG, FRE, GEO, GER, HIS, HUM, ITA, JPN, LAT, MUS, PED, PHI, POL, POR, PSY, REL, RUS, SOC, and SPA**. This prohibition does not apply to courses provided to students of Early and Middle College High Schools. Colleges may provide these courses to other high school students on a self-supporting basis. Consistent with CC02-107, since the amount charged for a self-supporting class is not considered tuition or a registration fee, the cost for any individual or group for a self-supporting class is not waived under G.S. 115D-5(b).

Wards of the State and Children of Disabled Firefighters, Law Enforcement Officers, and Rescue Squad Workers

Section 9.26 amends the waiver provided by G.S. 115B-2(a) to certain children who are wards of North Carolina and to children of a firefighter, law enforcement officer, or rescue squad worker that is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. To qualify, a child in such circumstances must be at least 17 years old, but **not yet 24 years old**. Previously, the age limitation was 23 years old. The other eligibility requirements prescribed by G.S. 115B-2 remain unchanged.

Please ensure all appropriate college employees are notified of these changes so that local policies and procedures can be modified accordingly.

/jh

Attachment

pc: Kennon Briggs
Sharon Morrissey
Saundra Williams
Judith Mann
Van Wilson
Barbara Boyce
John Pettitt
Shante Martin

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job skills training. These funds shall not be used for Associate of Arts, Associate of Science, or Associate of General Education degrees.

SECTION 8.3.(b) Courses in federal prisons or local jails shall not earn regular budget full-time equivalents, but may be offered on a self-supporting basis.

SECTION 8.3.(c) The Department of Correction and the Community Colleges System Office shall report to the 2011 General Assembly on:

- (1) The implementation of the new funding structure and requirements.
- (2) Strategies for implementing their recommendations to:
 - a. Enhance measurable goals, objectives, and outcomes.
 - b. Enhance and standardize data collection.
 - c. Strengthen the continuum of programming from entry to exit, based on assessment of skills and needs.
 - d. Give individuals the opportunity to use specific skills through work assignments that meet system needs.
 - e. Tailor programs to specific inmate needs.
 - f. Increase Cognitive Behavioral Interventions (CBI) courses.
 - g. Develop an offender-specific human resources development course.
 - h. Explore additional funding sources.
 - i. Explore federal grant for wiring courses.
- (3) Strategies for reasonably limiting the number of courses an individual takes while in prison.

SECTION 8.3.(d) G.S. 115D-5(c) reads as rewritten:

"(c) No course of instruction shall be offered by any community college at State expense or partial State expense to any captive or co-opted group of students, as defined by the State Board of Community Colleges, without prior approval of the State Board of Community Colleges. All course offerings approved for State prison inmates must be tied to clearly identified job skills, transition needs, or both. Approval by the State Board of Community Colleges shall be presumed to constitute approval of both the course and the group served by that institution. The State Board of Community Colleges may delegate to the President the power to make an initial approval, with final approval to be made by the State Board of Community Colleges. A course taught without such approval will not yield any full-time equivalent students, as defined by the State Board of Community Colleges."

TUITION WAIVERS

SECTION 8.4.(a) G.S. 115D-5(b) reads as rewritten:

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds; ~~provided, however, that the funds.~~ The State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees ~~for persons for:~~

- (1) Persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent ~~certificate, for training certificate;~~
- (2) Training courses for (i) volunteer firemen, (ii) local fire department personnel, (iii) volunteer rescue and lifesaving department personnel, (iv) local rescue and lifesaving department personnel, (v) Radio Emergency Associated Citizens Team (REACT) members when the REACT team is under contract to a county as an emergency response agency, ~~local~~ (vi) municipal, county, or State law-enforcement officers, patients in State alcoholic rehabilitation centers, (vii) all full-time custodial employees of the Department of Correction, and (viii) employees of the Department's Division of Community Corrections and employees of the Department of Juvenile Justice and Delinquency Prevention required to be certified under Chapter

- 17C of the General Statutes and the rules of the Criminal Justice and Training Standards ~~Commission, Commission;~~
- (3) Patients in State alcoholic rehabilitation centers; trainees
 - (4) Trainees enrolled in courses conducted under the ~~New and Expanding Industry Program, clients~~ Customized Training Program;
 - (5) Clients of sheltered ~~workshops, clients~~ workshops;
 - (6) Clients of adult developmental activity ~~programs, students~~ programs;
 - (7) Students in Health and Human Services Development ~~Programs, juveniles~~ Programs;
 - (8) Juveniles of any age committed to the Department of Juvenile Justice and Delinquency Prevention by a court of competent ~~jurisdiction, members~~ jurisdiction;
 - (9) Members of the North Carolina State Defense Militia as defined in G.S. 127A-5 and as administered under Article 5 of Chapter 127A of the General Statutes, and elementary Statutes;
 - (10) Elementary and secondary school employees enrolled in courses in first aid or cardiopulmonary resuscitation (~~CPR~~). ~~Provided further, tuition shall be waived for up (CPR);~~
 - (11) Up to six hours of credit instruction and ~~96 contact hours~~ one course of noncredit instruction per academic semester for senior citizens age 65 or older who are qualified as legal residents of North Carolina. ~~Provided further, tuition shall also be waived for all Carolina;~~
 - (12) All curriculum courses taken by high school students at community colleges, including students in early college and middle college high school programs, in accordance with G.S. 115D-20(4) and this ~~section.~~ section;
 - (13) Human resources development courses for any individual who (i) is unemployed; (ii) has received notification of a pending layoff; (iii) is working and is eligible for the Federal Earned Income Tax Credit (FEITC); or (iv) is working and earning wages at or below two hundred percent (200%) of the federal poverty guidelines; and
 - (14) Prison inmates."

SECTION 8.4.(b) G.S. 115D-39 is amended by adding a new subsection to read:

"(a1) In addition, any federal law enforcement officer whose permanent duty station is within North Carolina shall also be eligible for the State resident community college tuition rate for law enforcement training courses."

SECTION 8.4.(c) The Community Colleges System Office shall report to the 2011 General Assembly on the number and cost of courses taken by State law enforcement officers and of courses taken by local law enforcement officers.

SECTION 8.4.(d) The Fiscal Research Division, in consultation with the Community Colleges System Office, shall make a comprehensive study of the currently authorized tuition waivers and shall report to the 2011 General Assembly on waivers that should be modified or abolished because they are not being used or for other reasons.

COMMUNITY COLLEGE FINANCIAL AID LOANS

SECTION 8.5.(a) The State Board of Community Colleges shall permanently realign its funding formula by increasing the amount allocated in the funding formula for students' services by fifty million dollars (\$50,000,000) and by reducing the amount in the funding formula for curriculum and continuing education instruction by a commensurate amount. The revised formula shall ensure that community colleges have the adequate funds and resources necessary to administer and provide financial aid services to students.

SECTION 8.5.(b) G.S. 115D-40.1 reads as rewritten:

"§ 115D-40.1. Financial Assistance for Community College Students.

(a) **Need-Based Assistance Program.** – It is the intent of the General Assembly that the Community College System make these financial aid funds available to the neediest students who are not eligible for other financial aid programs that fully cover the required educational expenses of these students. The State Board may use some of these funds as short-term loans to students who anticipate receiving the federal HOPE or Lifetime Learning Tax Credits.

SECTION 9.19.(a) Notwithstanding any other provision of law, if the amount appropriated by this act to the State Education Assistance Authority for the 2010-2011 fiscal year for legislative tuition grants exceeds the amount required to pay the legislative tuition grants in the amount of one thousand eight hundred fifty dollars (\$1,850) to each North Carolina resident student attending the State's private colleges, then the State Education Assistance Authority shall deposit the surplus balance of the funds into the State Contractual Scholarship Fund and may use those funds to provide additional scholarships for or to increase the scholarship amounts awarded to students who have financial need.

SECTION 9.19.(b) Notwithstanding any other provision of law, if the amount appropriated by this act to the State Education Assistance Authority for the 2010-2011 fiscal year for State grants awarded under G.S. 116-43.5 exceeds the amount required to pay those grants in the amount of one thousand eight hundred fifty dollars (\$1,850) to each North Carolina resident student attending the State's eligible institutions as defined by G.S. 116-43.5, then the State Education Assistance Authority shall deposit the surplus balance of the funds into the State Contractual Scholarship Fund and may use those funds to provide additional scholarships for or to increase the scholarship amounts awarded to students who have financial need.

CAMPUS INITIATED TUITION INCREASES/TWENTY-FIVE PERCENT FOR STUDENT FINANCIAL AID

SECTION 9.20.(a) Section 9.23 of S.L. 2009-451 is repealed.

SECTION 9.20.(b) All campus initiated tuition increases approved by the Board of Governors of The University of North Carolina may be implemented; however, each campus that implements the tuition increase shall expend at least twenty-five percent (25%) of the increase on need-based student financial aid and may use as much of the remaining tuition income as needed to fully meet need-based student financial aid needs on that campus.

UNC ENROLLMENT GROWTH

SECTION 9.22. In considering potential increases in enrollment growth for The University of North Carolina for the 2011-2013 fiscal biennium, the Board of Governors shall consider all of the following items:

- (1) The general economic conditions of the State as reported by the Office of State Budget and Management and the Fiscal Research Division.
- (2) The possible increases and decreases in the State's revenue, particularly General Fund revenue as reported by the Office of State Budget and Management and the Fiscal Research Division.
- (3) Any other non-State revenue resources available to The University of North Carolina that may be used to assist with the recurring costs of enrollment growth.

NCSU/RESTORE MASTER GARDENER FUNDS

SECTION 9.24. Of the funds appropriated by this act to the Board of Governors of The University of North Carolina and allocated to North Carolina State University for the 2010-2011 fiscal year the sum of forty-eight thousand eight hundred seventy-eight dollars (\$48,878) shall be restored to the master gardener account.

ELIMINATE IN-STATE TUITION FOR NON-RESIDENT ATHLETIC SCHOLARSHIPS

SECTION 9.25. G.S. 116-143.6(a) reads as rewritten:

"(a) Notwithstanding any other provision of law, if the Board of Trustees of a constituent institution of The University of North Carolina elects to do so, it may by resolution adopted consider as residents of North Carolina all persons who receive full ~~scholarships~~ scholarships, unless the scholarship is for athletics, to the institution from entities recognized by the institution and attend the institution as undergraduate students. The aforesaid persons shall be considered residents of North Carolina for all purposes by The University of North Carolina."

AMEND TUITION WAIVER

SECTION 9.26. G.S. 115B-2(a) reads as rewritten:

"(a) The constituent institutions of The University of North Carolina and the community colleges as defined in G.S. 115D-2(2) shall permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition:

- (1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.
- (2) Any person who is the survivor of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker killed as a direct result of a traumatic injury sustained in the line of duty.
- (3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.
- (4) Any child, if the child is at least 17 years old but not yet ~~23 years old~~, 24 years old, whose parent is a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. However, a child's eligibility for a waiver of tuition under this Chapter shall not exceed: (i) ~~48 months~~, 54 months, if the child is seeking a baccalaureate degree, or (ii) if the child is not seeking a baccalaureate degree, the number of months required to complete the educational program to which the child is applying.
- (5) Any child, if the child (i) is at least 17 years old but not yet ~~23 years old~~, 24 years old, (ii) is a ward of North Carolina or was a ward of the State at the time the child reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for services under the Chaffee Education and Training Vouchers Program; but the waiver shall only be to the extent that there is any tuition still payable after receipt of other financial aid received by the student."

UNC BUILDING RESERVE/ALLOCATION OF FUNDS AMONG CONSTITUENT INSTITUTIONS AND UNC AFFILIATED INSTITUTIONS

SECTION 9.27. Funds appropriated by this act to the Board of Governors of The University of North Carolina for the 2010-2011 fiscal year for the Building Reserve shall be allocated among the following constituent institutions and affiliate institutions of The University of North Carolina for the projects listed below in the amounts indicated:

(1) Appalachian State University				
Beasley Broadcast Complex	\$30,711	R	\$56,770	NR
College of Education Bldg	\$102,884	R	\$291,753	NR
(2) East Carolina University				
Heart Center	\$112,678	R	\$ 0	NR
Family Medicine Center	\$1,785,786	R	\$290,258	NR
(3) Elizabeth City State University				
School of Pharmacy	\$532,046	R	\$2,308	NR
(4) Fayetteville State University				
Lilly Gym	\$91,326	R	\$0	NR
Nursing Education Building	\$416,570	R	\$99,424	NR
(5) NC A&T State University				
Barnes Hall Renovation	\$128,106	R	\$109,808	NR
Cherry Hall Minor Addition	\$121,344	R	\$31,483	NR
Cherry Hall Renovation	\$250,404	R	\$136,706	NR
(6) North Carolina Central University				
Pearson Cafeteria Culinary Arts Teaching Lab	\$66,924	R	\$9,659	NR
(7) NC State University Academic Affairs				
Math and Statistics Bldg	\$581,612	R	\$13,776	NR
Council Building	\$323,858	R	\$122,974	NR
Engineering Complex III	\$3,443,092	R	\$687,096	NR
Terry Animal Medical Center	\$958,765	R	\$738,556	NR
Avent Ferry Administration Center	\$398,384	R	\$0	NR
CBC Substation Infrastructure	\$110,266	R	\$0	NR
CVM Finger Barns HVAC	\$84,132	R	\$0	NR
Parks Shops Renovation	\$383,551	R	\$58,813	NR