



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Jennifer Haygood
Acting President

21 November 2017

IMPORTANT INFORMATION

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents
Boards of Trustees Chairs
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, Planners, Public Information Officers, Registrars, Student Development Administrators, & Other Interested Parties

FROM: Q. Shanté Martin, *NCCCS General Counsel*

RE: **Proposed Adoption of 1A SBCCC 200.3 – “Authority to Waive a SBCC Code Provision”**

On 17 November 2017, the State Board of Community Colleges (“SBCC”) voted to initiate rulemaking to adopt 1A SBCCC 200.3 – “Authority to Waive a SBCC Code Provision.” The SBCC is initiating the rulemaking process to adopt this proposed rule because there may be a legitimate need for the SBCC to temporarily waive a rule rather than adopt or repeal an entire rule. This proposed rule would allow the waiver of a rule for a time certain for the reasons delineated in the attached draft.

The proposed adoption is published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code." For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. 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 December 21, 2017.** 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 December 6, 2017.** Written comments and requests for hearing shall be directed to the following address: Q. Shanté

Martin, 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.

CC17-057
E-mail Copy

Attachments



State Board of Community Colleges Code

Petition for Rulemaking Form

Requester's Name	Q. Shanté Martin
Affiliated Organization (if applicable)	NCCCS Legal Affairs
Requester's E-mail	martins@ncccommunitycolleges.edu

Please select whether you propose a rule to be adopted, amended, or repealed

Adopt (new rule)	Amend (change existing rule)	Repeal (delete entire rule)
X		

If amendment or repeal, specify existing rule number:	
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Proposed language for adoption or amendment of a rule: (You may attach additional pages if needed.)	See attachment.
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Rationale for proposed adoption, amendment or repeal:	There may be a legitimate need for the SBCC to temporarily waive a rule rather than adopt or repeal an entire rule. This proposed rule would allow the waiver of a rule for a time certain for the reasons delineated in the draft.
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Q. Shanté Martin
Requester Signature

13 November 2017
Date

FOR NCCCS USE ONLY

Petition APPROVED for initiation of rulemaking

Petition DENIED for initiation of rulemaking

Rationale for DENIAL (if applicable)	
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J. Hangerood
NCCCS President/Designee Signature

11/13/17
Date

Please mail the completed form to:
 North Carolina Community College System
 Attn: NCCCS President
 200 West Jones Street
 Raleigh, NC 27603

1A SBCCC 200.3 is proposed for adoption as follows:



**STATE BOARD OF COMMUNITY COLLEGES
TITLE 1 – COMMUNITY COLLEGES**

CHAPTER A. STATE BOARD GOVERNANCE

SUBCHAPTER 200. STATE BOARD AUTHORITY

1A SBCCC 200.3 Authority to Waive a SBCC Code Provision

(a) The SBCC has the authority to waive any existing rule or portion of a rule in the SBCC

Code for the following reasons:

(1) 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;

(2) To address a serious or unforeseen threat to the public health or safety;

(3) 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;

or

(4) To launch a pilot program.

(b) The SBCC shall specify the basis for the waiver, the conditions of the waiver, and the duration of the waiver.

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

Eff. _____