19 March 2020

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents
Chairs of the Boards of Trustees
Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors,
Business Officers, Continuing Education Officers, Chief Financial Officers,
Financial Aid Officers, Public Information Officers, Registrars, Student
Development Administrators, & Other Interested Parties

FROM: Jonathan R. Harris, NCCCS General Counsel

RE: Temporary Amendments in Response to COVID-19

1G SBCCC 200.1 – General Provisions
1E SBCCC 200.2 – Time Due, Deferred Payment, Failure to Pay
1E SBCCC 700.2 – Student Activity Fees
1E SBCCC 700.3 – Instructional Technology Fees
1H SBCCC 300.3 – Bookstore and Bookstore Commissions

On 19 March 2020, the State Board of Community Colleges (SBCC) adopted five temporary amendments in response to COVID-19. The State Board adopted these amendments to address serious threats to public health and safety. They are meant to give colleges flexibility in responding to the impacts associated with the COVID-19 outbreak.

- **1G SBCCC 200.1 – General Provisions**
  - The flexibility colleges currently have to make up instructional time due to adverse weather events is now extended to emergency events.

- **1E SBCCC 200.2 – Time Due, Deferred Payment, Failure to Pay**
  - This change gives colleges the flexibility to apply tuition, registration fees, and other fees paid for Spring 2020 course to future courses if a student is unable to complete a Spring 2020 course due to circumstances associated with COVID-19.
• **1E SBCCC 700.2 – Student Activity Fees**
  o This change allows colleges to use student activity fees to address impacts associated with the COVID-19 outbreak.

• **1E SBCCC 700.3 – Instructional Technology Fees**
  o This change allows colleges to use instructional technology fees to address impacts associated with the COVID-19 outbreak. It also allows colleges to use the fees to purchase computers and other technology for the use of college employees.

• **1H SBCCC 300.3 – Bookstore and Bookstore Commissions**
  o This change allows colleges to use excess bookstore revenues to address impacts associated with the COVID-19 outbreak.

The temporary amendments will become effective on 19 March 2020. They will remain in place for 180 days or until rescinded by the State Board. The State Board may extend this duration, if necessary. The temporary amendments will be published on the NC Community College System's website, [www.nccommunitycolleges.edu](http://www.nccommunitycolleges.edu), under "State Board Code." For your convenience, a copy of each temporary amendment is attached to this memorandum.
1G SBCCC 200.1 is temporarily amended as follows:

State Board of Community Colleges Code
TITLE 1. COMMUNITY COLLEGES

CHAPTER G. FULL-TIME EQUIVALENT (FTE)

SUBCHAPTER 200. FTE REPORTING CATEGORIES/CRITERIA

1G SBCCC 200.1 General Provisions

(a) FTE Reporting. As directed by the System Office, colleges shall report FTE enrollment in all course sections scheduled during each academic term reporting period. If a course section is scheduled for a time period that crosses academic term reporting periods, the FTE enrollment shall be reported as follows:

(1) For curriculum course sections that are regularly scheduled, as defined in 1G SBCCC 200.93(b), FTE enrollment shall be reported in the academic term reporting period in which the 10% point of the class falls.

(2) For curriculum course sections that are non-regularly scheduled, as defined in 1G SBCCC 200.93(c), and all continuing education course sections, FTE enrollment shall be reported in the academic term reporting period in which the last day of the course falls.

The System Office shall provide colleges no less than 21 calendar days after the end of the academic term reporting period to submit FTE enrollment data.

(b) Instruction Provided Outside the College’s Service Area. Excluding clinical instruction, a college may provide instruction outside its service area, as established per 1A SBCCC 300, only if the appropriate instructional service agreement is executed consistent with 1D SBCCC 300.6 and 1D SBCCC 400.96. If the instructional service agreement provides for the sharing of FTE, the colleges that are party to the agreement shall prorate the number of FTE reported consistent with the provisions of the agreement and the rules of this Chapter.

(c) Making Up Instructional Hours Due to Adverse Weather or Other Emergency Events. A college is responsible for delivering instruction to meet the learning outcomes of each course it provides. If it is not possible or it will not be possible to reschedule all
class hours missed due to adverse weather or other emergency events, the instruction
may be made up by other alternatives included in the college’s adverse weather policy
or other policies, such as online instruction and alternative assignments. In a
correctional education setting, a college may make up instructional time by issuing
evening and weekend assignments and documenting students’ successful completion
of the assignments. The college must maintain documentation of how instruction was
rescheduled or otherwise made up until released from all compliance reviews.

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

Eff. May 1, 2017

Temporary Amendment Eff. October 19, 2018; Temporary Amendment
Expired. April 17, 2019;

Amended Eff. November 1, 2019

1E SBCCC 200.2 is temporarily amended as follows:

State Board of Community Colleges Code
TITLE 1. COMMUNITY COLLEGES

CHAPTER E. STUDENT TUITION AND FEES

SUBCHAPTER 200. GENERAL PROVISIONS

1E SBCCC 200.2 Time Due, Deferred Payment, Failure to Pay

(a) Time Due. If a student registers on or before the first date of a course section, tuition, registration fees, and other fees required for enrollment are due on a specific date prescribed by the college that is on or before the first date of the course section. If a student registers after the first date of the course section, tuition, registration fees, and other fees required for enrollment are due at the time of the student’s registration. A student may satisfy the requirement for payment due through one or more of the following four methods:

1. Directly paying the college.
2. Demonstrating to the college’s satisfaction that the student is eligible for financial aid or other third-party payment.
3. Entering into a deferred payment plan authorized by 1E SBCCC 200.2(b).
4. Providing evidence of eligibility for a tuition or registration fee waiver consistent with 1E SBCCC 800.

(b) Deferred Payment. The college may, with approval of the board of trustees, prescribe written procedures to permit short-term deferred payment or payment in installments;
provided, however, that payment in full is due by the end of the academic term. For the purposes of this section, “short term” is defined as a period that does not extend beyond the last day of the academic term.

(c) Failure to Pay. Unless otherwise prohibited by law, colleges may not enroll or distribute an academic credential to a student with an outstanding balance for tuition or registration fees except under the following circumstances:

(1) The college anticipates that the outstanding balance will be paid using pending financial aid;

(2) A person or organization demonstrates to the satisfaction of the college the ability to pay the outstanding obligation and guarantees in writing to pay the balance if the student fails to do so;

(3) A student is registered in a course section offered for the benefit of a company or agency. For the purpose of this rule, company or agency specific course sections are courses where the company pays the tuition or registration, and courses where attendance in the course section is limited to employees of the company or agency;

(4) A student is classified as a captive or co-opted student pursuant to 1D SBCCC 700.98(a); or

(5) A student is registered in a course that is on a specialized course list approved by the State Board of Community Colleges and supports the organizational training needs for entities specified in G.S. 115D-5(b)(2).

Unless otherwise prohibited by law, colleges may withhold transcripts of grades and any other service pending resolution of outstanding monetary obligations. This statement shall not be construed to prohibit a college’s board of trustees from adding more stringent provisions that are allowable under law regarding outstanding monetary balances.

History Note: Authority G.S. 115D-5; G.S. 115D-39;

Eff. May 16, 2014;

Amended Eff. February 1, 2015.

1E SBCCC 700.2 is temporarily amended as follows:

State Board of Community Colleges Code

TITLE 1. COMMUNITY COLLEGES

CHAPTER E. STUDENT TUITION AND FEES

SUBCHAPTER 700. LOCAL FEES

1E SBCCC 700.2 Student Activity Fees

(a) Student Activity Fee Rates. The local board of trustees is authorized to establish a fee charged to students to support student activities. The student activity fee shall not exceed $35 per academic term. Student activity fees shall not be charged to individuals who participate only in meetings or seminars organized by the college. For the purposes of this Subchapter, “meeting or seminar” means a group of people gathered on a one-time basis primarily for discussion under the direction of a leader or resource person(s).

(b) Use of Student Activity Fee Receipts: Colleges shall use student activity fee receipts to support the cost of providing student activities, excluding those activities listed in sub-subsection (3) below.

(1) Permissible Activities: For the purposes of this section, “student activity” means an activity that is provided primarily for the benefit of students and whose participants are primarily students, excluding instruction for which students pay tuition and registration fees. Examples of student activities include the following:

(A) student centers;
(B) student government associations;
(C) student clubs;
(D) student enrichment and student social activities;
(E) student identification cards;
(F) student athletics;
(G) student health services; and
(H) student accident insurance
(2) Permissible expenses: In support of student activities, the college may use student activity fee receipts to support the following types of expenses:
   (A) College personnel directly providing student activities, such as student government association staff, student activity coordinators, coaches, club sponsors, or club advisors;
   (B) Stipends or scholarships to students who serve as officers of student organizations;
   (C) Employee and student travel to student activities held at off-campus locations;
   (D) Other purchased goods or services needed to conduct the student activity;
   (E) Equipment, including vehicles, used directly for student activities;
   (F) Capital improvement projects constructed for student activities, such as student centers, student lounges, and athletic facilities. If a capital improvement project serves multiple purposes, student activity fee receipts may be used to support capital expenditures in proportion to the square footage of the project dedicated to student activities.

(3) Impermissible expenses: Colleges shall not use student activity fee receipts to support personnel and other operating costs related to college employees having positions that are the fiscal responsibility of the State or local governments and do not directly support student activities, including, but not limited to, academic advisors, counselors, recruiters, admissions staff, and security personnel. Colleges shall not use student activity fee receipts for capital improvements projects constructed for purposes other than student activities.

(c) Notwithstanding section (b), a college may use student activity fees to address impacts associated with the COVID-19 outbreak.

1E SBCCC 700.3 Instructional Technology Fees

(a) Fee Rates. The local board of trustees is authorized to establish a fee charged to students to support student access to instructional technology. The instructional technology fee shall not exceed $48 per academic term for curriculum students and $5 per course for continuing education students. However, subject to the prior approval of the SBCC, local boards of trustees have the authority to establish an instructional technology fee that exceeds the $48 per academic term for curriculum students. Instructional technology fees shall not be charged to individuals who participate only in meetings or seminars.

(b) Use of Fee Receipts. Instructional technology fee receipts shall be used to support costs of procuring, maintaining, and operating instructional technology, including both information technology (hardware and software) used primarily for instructional purposes and specialized instructional equipment necessary for hands-on instruction. Colleges are authorized to use instructional technology fee receipts to hire support positions to operate, maintain, and repair this technology, as well as buy the necessary supplies and materials for operations. In addition, colleges may use technology fee receipts to address impacts associated with the COVID-19 outbreak. Instructional technology fee receipts shall not be used to purchase computers and other technology used primarily by college employees, nor may instructional technology fee receipts be used to support positions that do not directly support this instructional technology.

1H SBCCC 300.3 is temporarily amended as follows:

State Board of Community Colleges Code

TITLE 1. COMMUNITY COLLEGES

CHAPTER H. FISCAL MANAGEMENT

SUBCHAPTER 300. INSTITUTIONAL FUNDS

1H SBCCC 300.3 Bookstore and Bookstore Commissions

(a) Bookstore operations. All financial transactions pertaining to bookstore operations shall be accounted for in a proprietary institutional account and kept separate from all other activities of the college. At least every four years, the board of trustees of each college shall review the college’s mark-up on textbooks and other instructional materials sold through the bookstore to determine if the mark-up is appropriately balanced between affordability for students and other priorities identified by the local board of trustees.

(b) Use of bookstore operating revenues. Bookstore receipts shall first be used to support bookstore operating expenses including, but not limited to salaries and benefits of bookstore personnel, purchase of inventory, marketing, supplies, travel, equipment associated with the operation of the bookstore, enhancement of the bookstore, and bookstore facility support costs, such as, utilities, housekeeping, maintenance, and security.

(c) Excess bookstore revenues. Receipts in excess of the above operating expenses shall be transferred to the appropriate account and expended consistent with the following provisions:

(1) Funds may be used to support instruction, student support services, student financial aid (e.g. scholarships, grants, loans, Work Study), student refunds, student activities, giveaways to students, curriculum development, program improvement, professional development, instructional equipment, and capital improvements related to facilities associated with the bookstore and student activities. In addition, funds may be used to address impacts associated with the COVID-19 outbreak.
(2) Funds shall not be used to support any supplemental salary, benefit, or other form of compensation for the college president. Funds shall not be used to support administrative costs, promotional giveaways to individuals other than students, entertainment expenses, fundraising expenses, and capital improvements not allowed under (c)(1) above.

History Note: Authority G.S. 115D-5; 115D-58.13;
