

## STATE BOARD OF COMMUNITY COLLEGES

### Proposed Non-Budget 2019 Legislative Priorities

**NCACCP NON-BUDGET LEGISLATIVE PRIORITIES.** The following non-budget legislative priorities were unanimously approved by the NC Association of Community College Presidents on November 14, 2018.

#### 1. RDS Simplification.

- **Background:** Since implementation of the RDS System, college presidents have expressed increasing concerns that because of the complexity of the residency laws, the RDS system has become a significant barrier for potential students. Because of the existing residency laws, RDS questions are complicated and require access to information the student may not have readily available. Furthermore, the community college application and enrollment process is vastly different from four-year institutions. Senior institutions have a long period of time between application, acceptance, and enrollment. In contrast, students who attend a community college often apply to start classes within a few days, sometimes the same or next day. If students experience difficulties with the RDS system, those students may not enroll or be forced to pay out-of-State tuition and go through an involved and time-consuming appeals process to determine in-State residency. In June 2018, the State Education Assistance Authority (SEAA) prepared a RDS data analysis for community college presidents. This analysis showed that over 5,200 community college admission applications were started by individuals who did not complete RDS. That number represents potentially 5,200 students who did not have an opportunity to work towards their educational goals.

The State Education Assistance Authority has worked very closely and collaboratively with the NC Community College System to look at ways to simplify RDS internally. Also, the Higher Education Collaborative Advisory Council (HECAC), made up of representatives from SEAA and the higher education sectors has examined and continues to examine data to see if there are other ways to simplify the RDS process.

In addition, Dr. David Shockley, NCACCP President, appointed a task force of four community college presidents to look at ways to alleviate the RDS barriers experienced by prospective community college students. The task force unanimously recommended the attached proposal to the NCACCP Legislative Committee where it was presented and discussed. That Committee voted unanimously to recommend the proposal to the full NCACCP which also unanimously approved it as part of their non-budget legislative priorities.

- **Request:** Repeal the statute that assumes a student's domicile is the same as his or her parents. SEE EXPLANATION NEXT PAGE.

RDS SIMPLIFICATION PROPOSAL

Attachment LEG 01

	CURRENT LAW	PROPOSAL
<p><b>Statutory Provision</b></p>	<p>§ 116-143.1. Provisions for determining resident status for tuition purposes.</p> <p>(a) As defined under this section:</p> <p>(1) A "legal resident" or "resident" is a person who qualifies as a <b>domiciliary</b> of North Carolina; a "nonresident" is a person who does not qualify as a domiciliary of North Carolina.</p> <p>(2) A "resident for tuition purposes" is a person who qualifies for the in-State tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-State tuition rate.</p> <p>...</p> <p>(e) When an individual presents evidence that the individual has living parent(s) or court-appointed guardian of the person, the <b>legal residence of such parent(s) or guardian shall be prima facie evidence of the individual's legal residence, which may be reinforced or rebutted relative to the age and general circumstances of the individual by the other evidence of legal residence</b> required of or presented by the individual; provided, that the legal residence of an individual whose parents are domiciled outside this State shall not be prima facie evidence of the individual's legal residence if the individual has lived in this State the five consecutive years prior to enrolling or reregistering at an institution of higher education. (emphasis added)</p>	<p><i>Repeal</i> G.S. 116-143.1(e):</p> <p><del>(e) — When an individual presents evidence that the individual has living parent(s) or court-appointed guardian of the person, the legal residence of such parent(s) or guardian shall be prima facie evidence of the individual's legal residence, which may be reinforced or rebutted relative to the age and general circumstances of the individual by the other evidence of legal residence required of or presented by the individual; provided, that the legal residence of an individual whose parents are domiciled outside this State shall not be prima facie evidence of the individual's legal residence if the individual has lived in this State the five consecutive years prior to enrolling or reregistering at an institution of higher education.</del></p>
<p><b>Explanation</b></p>	<p>The law presumes that the domicile of the student is the same as the domicile of the parent(s). A student can rebut that presumption by showing evidence that the student's domicile is not the same as the parent(s)' domicile.</p>	<p>The law would no longer presume that the student and parents have the same domicile. The student would simply have to show his or her domicile is NC without regard to his or her parent(s).</p>
<p><b>Effect</b></p>	<p>Because the law presumes the student and parent have the same domicile, in order to determine whether a student pays in-State or out-of-State tuition, the student has to answer questions about:</p> <ol style="list-style-type: none"> <li>1. the student's parents; and,</li> <li>2. whether the student can establish independence from his or her parents.</li> </ol> <p>In other words, the to find out where the student is domiciled, the law requires a determination of where the parents are domiciled. According to the June 2018 RDS Data Analysis for the NCACCP Report, <b>40% of prospective students who failed to complete RDS quit during the dependency questions.</b></p>	<p>Since the law no longer presumes the student and parent(s) have the same domicile, there would no longer be a need for RDS to ask the dependency questions. Questions regarding the parents would be eliminated.</p>

## 2. Exempt System Office IT Staff from Transfer to DIT (Department of Information Technology).

- **Background:** Under current Session Law, the System Office and the State CIO are required to provide a plan on the transfer of System Office IT Staff to DIT by October 2019 (extended from October 2018 in last session's budget bill). If transferred, IT staff will no longer be employees of the Community College System Office as well as no longer under the supervision of the System President and State Board. System Office IT staff provide critical assistance to all 58 community colleges and work closely with other System Office staff on various initiatives that require an IT component.
- **Request:** Request that NC Community College System Office IT staff be exempted from transferring to DIT.

## 3. Insurance in Lieu of Bond.

- **Background:** Current law requires colleges to bond employees who are authorized to draw or approve checks, employees authorized to receive institutional funds, and persons authorized to handle institutional property. However, colleges do not have the option to purchase insurance for these purposes.
- **Request:** Amend the statute to allow colleges to either obtain bonds or purchase insurance.

## 4. Earn FTE for Instruction in Jails.

- **Background:** During the last biennium, the Community College System supported legislation allowing for colleges to earn FTE for instruction in local jails and changing FTE hours in prisons to student membership hours instead of contact hours. The General Assembly did not enact this request; however, last session's budget required the State Board to study the cost of:
  - Earning regular FTE for community college courses offered in jails; and,
  - Reporting FTE student hours in correction institutions on the basis of membership hours.

The Report estimates that the total FTE value for providing instruction in jails is \$1,146,385, and an increase of approximately \$2.3 million in budget FTE to change student contact hours to membership hours for correctional institutions.

- **Request.** Amend the law to allow colleges to earn FTE for instruction in jails and change contact hours to membership hours for correction education. ***Note: This change does not require an appropriation. Any increase in FTE would be calculated into enrollment changes.***

**ADDITIONAL SBCC NON-BUDGET LEGISLATIVE PRIORITIES.**

**5. Reorganization of the Community College System Office.**

- **Background:** Section 9.1 of S.L. 2017-57 allows the President of the NC Community College System to reorganize the System Office in accordance with recommendations and plans submitted to and approved by the State Board of Community Colleges. This authority expires June 30, 2019.
- **Request.** Rather than requesting this authority every biennium, staff proposes codifying this authority in G.S. 115D-3(d). If codified, this authority would not expire and would require action by the General Assembly for further modifications.

**6. College Information Systems (CIS) Carryforward.**

- **Background:** Each biennium, the Community College System requests the authority to carryforward up to \$1,250,000 in College Information System (CIS) funds to purchase periodic IT upgrades.
- **Request:** Seek a provision allowing the System Office to carryforward those funds for the 2019-2021 biennium.

**PENDING NON-BUDGET LEGISLATIVE PROPOSALS**

- **Proprietary Schools Board/Separation from NC Community College System**
- **Apprenticeship Council Amendments**