State Board of Community Colleges Code

Petition for Rulemaking Form

<table>
<thead>
<tr>
<th>Requester's Name</th>
<th>Lauren E. Ellisberg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affiliated Organization</td>
<td>The Iron Yard</td>
</tr>
<tr>
<td>(If applicable)</td>
<td></td>
</tr>
<tr>
<td>Requester's E-mail</td>
<td><a href="mailto:lauren@theironyard.com">lauren@theironyard.com</a></td>
</tr>
</tbody>
</table>

Please select whether you propose a rule to be adopted, amended, or repealed

- **Adopt** (new rule)
- **Amend** (change existing rule)
- **Repeal** (delete entire rule)

<table>
<thead>
<tr>
<th>If amendment or repeal, specify existing rule number:</th>
<th>§115D-91 (2A SBCCC 300.2)</th>
</tr>
</thead>
</table>

Proposed language for adoption or amendment of a rule:

(You may attach additional pages if needed.)

Rationale for proposed adoption, amendment or repeal:

Please see attached

Requester Signature: [Signature]

Date: March 29, 2016

Petition APPROVED for initiation of rulemaking

Petition DENIED for initiation of rulemaking [X]

Rationale for DENIAL (If applicable):

Please see attached 27 April 2016 Memo.

NCCCS President/Designee Signature: [Signature]

Date: 27 April 2016

FOR NCCCS USE ONLY

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

Created 30 January 2014 by QSM
SBCC
05/20/2016
Current Language:
2A SBCCC 300.2 Application for License Renewal
(a) All licenses issued shall expire on June 30.
(b) All issued licenses shall extend from July 1 through June 30, inclusive; except
that any license initially issued on or after April 1 shall expire on June 30 of the
following calendar year.
(c) Schools desiring the renewal of their license shall submit an application on or
before March 15 of each year. The application shall be accompanied by the
following:
(i) All information required of schools applying for an initial license that has not
been previously submitted;

Proposed language for adoption or amendment of a rule:
(a) All licenses issued shall expire one year from the date of issuance.
(b) Schools desiring the renewal of their license shall submit an application
within 60 (sixty) days prior to the application expiring.

Rationale:
As currently written and construed, the rule mandates that a school receiving its
license in January 2016 (as is the current case with The Iron Yard – Raleigh campus)
and pays the requisite fees would then need to turn around and once again file the
same forms with the same fee a mere two months later. A school that received
licensure in May 2015, however, would have an entire year of operations until they
would need to file for renewal.

This creates a situation where schools that apply close to the renewal date are being
forced to pay an unintended or undisclosed fee. Despite a school having submitted
an application prior to the April meeting date, it might not receive its license until
after the meeting date regardless of its efforts, and will therefore still incur double
fees.

Additionally, the rule creates confusion for those schools dealing with licensing in
several jurisdictions. It is customary in many other jurisdictions to have a license
issued for a full year prior to requiring renewal. It is our argument that to file a
renewal, a far more reasonable period of time before which the issued license
expires can be mandated.

Therefore, we respectfully request the amendment of the abovementioned rule to
promote fairness and clarity throughout the licensing process.
MEMORANDUM

FROM: George Fouts, NCCCS Interim President

TO: Lauren E. Ellisberg
The Iron Yard
lauren@theironyard.com

CC: Jennifer H. Haygood, NCCCS Executive Vice President and Chief Financial Officer
Q. Shanté Martin, NCCCS General Counsel
Scott Corl, Executive Director of Proprietary Schools

RE: Proposed Amendment of 2A SBCCC 300.2 – “Application for License Renewal”

April 27, 2016

The North Carolina Community College System received your Petition for Rulemaking Form to amend 2A SBCCC 300.2 – “Application for License Renewal” on 22 April 2016. We appreciate your participation in the rulemaking process. We understand that you propose to amend 2A SBCCC 300.2 so that all licenses issued shall expire one year from the date of issuance versus expiring on June 30th of each year. You further propose that schools desiring the renewal of their license shall submit an application within 60 (sixty) days prior to the application expiring. However, the State Board of Community Colleges does not have the authority to amend 2A SBCCC 300.2 consistent with your recommendation because the annual June 30th expiration date is mandated by statute. Specifically, N.C.G.S. § 115D-91(a) provides that “[a]ll licenses issued shall expire on June 30.” For this reason, this Petition is denied.

Attachment