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Chapter 115D.
Community Colleges.

Article 1.

General Provisions for State Administration.

§ 115D-1. Statement of purpose.

The purposes of this Chapter are to provide for the establishment, organization, and administration of a system of educational institutions throughout the State offering courses of instruction in one or more of the general areas of two-year college parallel, technical, vocational, and adult education programs, to serve as a legislative charter for such institutions, and to authorize the levying of local taxes and the issuing of local bonds for the support thereof. The major purpose of each and every institution operating under the provisions of this Chapter shall be and shall continue to be the offering of vocational and technical education and training, and of basic, high school level, academic education needed in order to profit from vocational and technical education, for students who are high school graduates or who are beyond the compulsory age limit of the public school system and who have left the public schools, provided, juveniles of any age committed to the Division of Juvenile Justice of the Department of Public Safety by a court of competent jurisdiction may, if approved by the director of the youth development center to which they are assigned, take courses offered by institutions of the system if they are otherwise qualified for admission.

The Community Colleges System Office is designated as the primary lead agency for delivering workforce development training, adult literacy training, and adult education programs in the State. (1963, c. 448, s. 23; 1969, c. 562, s. 1; 1979, c. 462, s. 2; 1985, c. 479, s. 68; 1997-443, s. 11A.118(a); 1998-202, s. 4(p); 2000-137, s. 4(s); 2001-95, s. 5; 2005-77, s. 1; 2011-145, s. 19.1(l).)

§ 115D-1.1: Repealed by Session Laws 2011-145, s. 7.1A(f), effective January 1, 2012.

§ 115D-1.2: Repealed by Session Laws 2011-145, s. 7.1A(f), effective January 1, 2012.

§ 115D-1.3. Accreditation of secondary school located in North Carolina shall not be a factor in admissions, loans, scholarships, or other educational policies.

(a) For purposes of this section, the term "accreditation" shall include certification or any other similar approval process.

(b) The State Board of Community Colleges shall adopt a policy that prohibits any community college from soliciting or using information regarding the accreditation of a secondary school located in North Carolina that a person attended as a factor affecting admissions, loans, scholarships, or other educational activity at the community college, unless the accreditation was conducted by a State agency. (2011-306, s. 2.)

§ 115D-2. Definitions.

As used in this Chapter:

- (1) The "administrative area" of an institution comprises the county or counties directly responsible for the local financial support and local administration of such institution as provided in this Chapter.
- (2) The term "community college" is defined as an educational institution operating under the provisions of this Chapter and dedicated primarily to the educational needs of the service area which it serves, and may offer
 - a. The freshmen and sophomore courses of a college of arts and sciences, authorized by G.S. 115D-4.1;
 - b. Organized credit curricula for the training of technicians; curricular courses may carry transfer credit to a senior college or university

1 where the course is comparable in content and quality and is
2 appropriate to a chosen course of study;

3 c. Vocational, trade, and technical specialty courses and programs, and

4 d. Courses in general adult education.

5 (3) The term "institution" refers to any institution established pursuant to this
6 Chapter.

7 (4) The term "regional institution" means an institution whose service area as
8 assigned by the State Board of Community Colleges includes three or more
9 counties; provided, however, any institution receiving funds as a regional
10 institution on May 1, 1987, shall continue to receive funds on that basis.

11 (5) The term "State Board" refers to the State Board of Community Colleges.

12 (6) The "tax-levying authority" of an institution is the board of commissioners
13 of the county or all of the boards of commissioners of the counties, jointly,
14 which constitute the administrative area of the institution.

15 (7) Repealed by Session Laws 1987, c. 564, s. 1.

16 (8) "Vending facilities" has the same meaning as it does in G.S. 111-42(d), but
17 also means any mechanical or electronic device dispensing items or
18 something of value or entertainment or services for a fee, regardless of the
19 method of activation, and regardless of the means of payment, whether by
20 coin, currency, tokens, or other means. (1963, c. 448, s. 23; 1969, c. 562, s.
21 2; 1973, c. 590, s. 1; 1979, c. 462, s. 2; c. 553; c. 896, s. 1; 1979, 2nd Sess.,
22 c. 1130, s. 1; 1983, c. 761, s. 104; 1983 (Reg. Sess., 1984), c. 1034, s. 169;
23 1987, c. 564, s. 1; 1999-84, s. 1; 2005-103, s. 4; 2006-203, s. 35.)
24

25 **§ 115D-2.1. State Board of Community Colleges.**

26 (a) The State Board of Community Colleges is established.

27 (b) The State Board of Community Colleges shall consist of 21 members, as follows:

28 (1) The Lieutenant Governor or the Lieutenant Governor's designee shall be a
29 member ex officio.

30 (2) The Treasurer of North Carolina or the Treasurer's designee shall be a
31 member ex officio.

32 (3) The Governor shall appoint to the State Board four members from the State
33 at large and one member from each of the six Trustee Association Regions
34 defined in G.S. 115D-62. The initial appointments by the Governor shall be
35 made effective July 1, 1980, or as soon as feasible thereafter. In order to
36 establish regularly overlapping terms, the initial appointments by the
37 Governor shall be made so that three expire June 30, 1981, three expire June
38 30, 1983, and four expire June 30, 1985. Each subsequent regular
39 appointment by the Governor shall be for a term of six years and until a
40 successor is appointed and qualifies. Any vacancy occurring among his
41 appointees before the expiration of term shall be filled by appointment of the
42 Governor; the member so appointed shall meet the same residential
43 qualification, if any, as the member whom he succeeds and shall serve for
44 the remainder of the unexpired term of that member.

45 (4) The General Assembly shall elect eight members of the State Board from the
46 State at large in the following manner:

47 a. In 1980, the Senate shall elect three members, one of whom shall
48 serve a term expiring June 30, 1981, one of whom shall serve a term
49 expiring June 30, 1983, and one of whom shall serve a term expiring
50 June 30, 1985. In 1985, the Senate shall elect two members to serve
51 terms expiring June 30, 1991. Each subsequent regular election by

1 the Senate shall be for a term of six years and until a successor is
2 elected and qualifies.

3 b. In 1980, the House of Representatives shall elect four members, one
4 of whom shall serve a term expiring June 30, 1981, one of whom
5 shall serve a term expiring June 30, 1983, and two of whom shall
6 serve a term expiring June 30, 1985. In 1985, the House of
7 Representatives shall elect two members, to serve terms expiring
8 June 30, 1991. Each subsequent regular election by the House of
9 Representatives shall be for a term of six years and until a successor
10 is elected and qualifies.

11 c. Repealed by Session Laws 1985, c. 227, s. 5.

12 d. The initial elections by the two houses of the General Assembly shall
13 be held on or before July 1, 1980.

14 e. Any vacancy occurring among the members elected by the two
15 houses of the General Assembly before the expiration of term shall
16 be filled when the General Assembly next convenes. The member
17 then elected shall be elected by the same house that elected the
18 member whom he succeeds, and shall serve for the remainder of the
19 unexpired term of that member.

20 f. At each session of the General Assembly held in an odd-numbered
21 year, the Speaker of the House of Representatives and the President
22 Pro Tempore of the Senate shall assign to either a standing or a
23 special committee of that house the duty of receiving from the
24 members of that house nominations of persons to be considered by
25 that house for election to the State Board. The chairmen of the two
26 committees shall jointly determine a common final date for receiving
27 nominations from members of that house, and a common date for
28 reporting to their respective houses their nominations for the State
29 Board. Each committee shall screen the proposed candidates for
30 nomination as to their qualifications, background, lack of statutory
31 disabilities, and willingness and ability to serve if elected. Each
32 Senator and each Representative may nominate only one candidate.
33 When the nominating process is closed, each committee shall list all
34 candidates and shall separately vote "aye" or "no" on each candidate
35 to determine whether that person shall be listed as a nominee of the
36 committee. The verbal vote of a majority of those members of the
37 committee present and voting shall constitute one nominee of the
38 committee. An individual cannot be a candidate for nomination to
39 more than one place. If a sufficient number of candidates is
40 submitted to each committee, then each committee shall nominate at
41 least two persons for each place to be filled by that chamber,
42 otherwise each committee shall nominate at least one person for each
43 place to be filled by each of the House of Representatives and the
44 Senate. No person may simultaneously be a candidate for election by
45 both houses, and if one is nominated in both houses, he shall
46 determine by which house he shall be nominated and so advise the
47 chairman of both committees. The two houses shall, by joint
48 resolution, fix a common date and time for the election of members
49 of the State Board. At the election session in each house, the
50 committee shall report its list of nominees with the term of office
51 indicated for each nominee. The ballot in the House of

1 Representatives shall also include the names of all other persons
2 nominated by a member of that house who are determined by the
3 committee to be qualified for the offices, with the committee's list of
4 nominees being clearly set out on the ballot. No additional
5 nominations shall be received from the floor. Each house shall then
6 proceed to an election of the State Board. In order to be chosen, a
7 nominee shall receive the votes of a majority of all members present
8 and voting.

9 When each house has chosen one person for each place to be
10 filled on the State Board, the chairman of the committee shall make a
11 motion for the simultaneous election of those persons by that house
12 to the indicated positions and for the indicated terms. The vote shall
13 then be called electronically. If a majority of those voting shall vote
14 "aye," persons named in the motion shall be declared to have been
15 elected. Each house may adopt rules consistent with this section with
16 respect to the election by that house of members of the State Board.

17 (5) The person serving as president of the North Carolina Comprehensive
18 Community College Student Government Association shall be an ex officio
19 member of the State Board. If the president of the Association is unable for
20 any reason to serve as the student member of the State Board, then pursuant
21 to the constitution of the Association, the vice-president of the Association
22 shall serve as the student member of the State Board. Any person serving as
23 the student member of the State Board must be a student in good standing at
24 a North Carolina community college. The student member of the State Board
25 shall have all the rights and privileges of membership, except that the
26 student member shall not have a vote.

27 (b1) Upon receipt of a referral from the State Ethics Commission in accordance with
28 G.S. 138A-12(k) concerning a member of the State Board of Community Colleges, the
29 principal clerk of the house of the General Assembly receiving the referral shall immediately
30 refer the matter to the appropriate education committee of that house. That committee may
31 recommend to that house a resolution providing for the removal of the Board member. If the
32 committee's proposed resolution is adopted by a majority of the members present and voting of
33 that house, the public servant shall be removed and the seat previously held by that Board
34 member becomes vacant.

35 (c) No person may be appointed or elected to more than two consecutive terms of six
36 years on the State Board.

37 (d) No member of the General Assembly, no officer or employee of the State, and no
38 officer or employee of an institution under the jurisdiction of the State Board shall be eligible to
39 serve on the State Board. No spouse of a member of the General Assembly or of an officer or
40 employee of the Community College System or of an institution under the jurisdiction of the
41 State Board shall be eligible to serve on the State Board. No person who within the prior five
42 years has been an employee of the Community Colleges System Office shall be eligible to
43 serve on the State Board.

44 (e) The Governor shall convene the membership of the State Board on July 1, 1980, or
45 as soon as feasible thereafter. The State Board at that meeting shall elect from its appointed or
46 elected membership a chairman and such other officers as it may deem necessary.

47 (f) At its first meeting after July 1, 1981, and every two years thereafter, the State
48 Board shall elect from its membership a chairman and such other officers as it may deem
49 necessary.

50 (g) The State Board of Community Colleges shall meet at stated times established by
51 the State Board, but not less frequently than 10 times a year. The State Board of Community

1 Colleges shall also meet with the State Board of Education and the Board of Governors of The
2 University of North Carolina at least once a year to discuss educational matters of mutual
3 interest and to recommend to the General Assembly such policies as are appropriate to
4 encourage the improvement of public education at every level in this State; these joint meetings
5 shall be hosted by the three Boards according to the schedule set out in G.S. 115C-11(b1).
6 Special meetings of the State Board may be set at any regular meeting or may be called by the
7 chairman. A majority of the qualified members of the State Board shall constitute a quorum for
8 the transaction of business.

9 (h) Whenever any vacancy shall occur in the appointed membership of the State Board,
10 the chairman shall inform the appropriate appointing authority of the vacancy.

11 (i) The State Board of Community Colleges may declare vacant the office of an
12 appointed or elected member who does not attend three consecutive scheduled meetings
13 without justifiable excuse. The chairman of the State Board shall notify the appropriate
14 appointing or electing authority of any vacancy. (1979, c. 896, s. 2; 1979, 2nd Sess., c. 1130, s.
15 5; 1981, c. 47, s. 8; c. 474; 1983, c. 311; c. 479, ss. 1-3; 1985, c. 227, ss. 1-5; c. 428; 1987
16 (Reg. Sess., 1988), c. 1102, s. 2; 1991, c. 83, s. 1; 1993, c. 69, s. 2; 1995, c. 192, s. 1; c. 470, ss.
17 3, 4; 1997-456, ss. 18, 19; 1999-61, ss. 1, 2; 1999-84, s. 7; 2006-31, s. 1; 2006-201, s. 2(c);
18 2007-278, s. 3.)
19

20 **§ 115D-3. Community Colleges System Office; staff.**

21 The Community Colleges System Office shall be a principal administrative department of
22 State government under the direction of the State Board of Community Colleges, and shall be
23 separate from the free public school system of the State, the State Board of Education, and the
24 Department of Public Instruction. The State Board has authority to adopt and administer all
25 policies, regulations, and standards which it deems necessary for the operation of the System
26 Office.

27 The State Board shall elect a President of the North Carolina System of Community
28 Colleges who shall serve as chief administrative officer of the Community Colleges System
29 Office. The compensation of this position shall be fixed by the State Board from funds
30 provided by the General Assembly in the Current Operations Appropriations Act.

31 The President shall be assisted by such professional staff members as may be deemed
32 necessary to carry out the provisions of this Chapter, who shall be elected by the State Board on
33 nomination of the President. The compensation of the staff members elected by the Board shall
34 be fixed by the State Board of Community Colleges, upon recommendation of the President of
35 the Community College System, from funds provided in the Current Operations Appropriations
36 Act. These staff members shall include such officers as may be deemed desirable by the
37 President and State Board. Provision shall be made for persons of high competence and strong
38 professional experience in such areas as academic affairs, public service programs, business
39 and financial affairs, institutional studies and long-range planning, student affairs, research,
40 legal affairs, health affairs and institutional development, and for State and federal programs
41 administered by the State Board. In addition, the President shall be assisted by such other
42 employees as may be needed to carry out the provisions of this Chapter, who shall be subject to
43 the provisions of Chapter 126 of the General Statutes. The staff complement shall be
44 established by the State Board on recommendation of the President to insure that there are
45 persons on the staff who have the professional competence and experience to carry out the
46 duties assigned and to insure that there are persons on the staff who are familiar with the
47 problems and capabilities of all of the principal types of institutions represented in the system.
48 The State Board of Community Colleges shall have all other powers, duties, and
49 responsibilities delegated to the State Board of Education affecting the Community Colleges
50 System Office not otherwise stated in this Chapter. (1963, c. 448, s. 23; 1971, c. 1244, s. 14;
51 1975, c. 699, s. 5; 1979, c. 462, s. 2; c. 896, s. 3; 1979, 2nd Sess., c. 1130, ss. 1, 2; 1981, c. 859,

1 s. 35.2; 1983, c. 479, s. 4; c. 717, s. 26; 1983 (Reg. Sess., 1984), c. 1034, s. 164; 1985 (Reg.
2 Sess., 1986), c. 955, ss. 19, 20; 1987, c. 564, s. 2; 1993, c. 522, s. 6; 1999-84, s. 8.)

3
4 **§ 115D-4. Establishment of institutions.**

5 The establishment of all community colleges shall be subject to the approval of the General
6 Assembly upon recommendation of the State Board of Community Colleges. In no case,
7 however, shall favorable recommendation be made by the State Board for the establishment of
8 an institution until it has been demonstrated to the satisfaction of the State Board that a genuine
9 educational need exists within a proposed administrative area, that existing public and private
10 post-high school institutions in the area will not meet the need, that adequate local financial
11 support for the institution will be provided, that public schools in the area will not be affected
12 adversely by the local financial support required for the institution, and that funds sufficient to
13 provide State financial support of the institution are available. (1963, c. 448, s. 23; 1965, c.
14 1028; 1971, c. 1244, s. 14; 1977, c. 154, s. 1; 1979, c. 462, s. 2; c. 896, s. 4; 1979, 2nd Sess., c.
15 1130, s. 1; 1983, c. 717, ss. 27-27.2; 1985 (Reg. Sess., 1986), c. 955, s. 21; 1987, c. 564, s. 3;
16 2006-203, s. 36; 2009-229, s. 1.)

17
18 **§ 115D-4.1. College transfer program approval; standards for programs.**

19 (a) Repealed by Session Laws 1995, c. 288, s. 1, effective September 1, 1995.

20 (b) The State Board of Community Colleges may approve the addition of the college
21 transfer program to a community college. If addition of the college transfer program to an
22 institution would require a substantial increase in funds, State Board approval shall be subject
23 to appropriation of funds by the General Assembly for this purpose.

24 (c) Addition of the college transfer program shall not decrease an institution's ability to
25 provide programs within its basic mission of vocational and technical training and basic
26 academic education.

27 (d) The State Board of Community Colleges shall develop appropriate criteria and
28 standards to regulate the addition of the college transfer program to institutions.

29 (e) The State Board of Community Colleges shall develop appropriate criteria and
30 standards to regulate the operation of college transfer programs.

31 (f) The Board of Governors of The University of North Carolina shall report to each
32 community college and to the State Board of Community Colleges in accordance with G.S.
33 116-11(10b) on the academic performance of that community college's transfer students. If the
34 State Board of Community Colleges finds that college transfer students from a community
35 college are not consistently performing adequately at a four-year college, the Board shall
36 review the community college's program and determine what steps are necessary to remedy the
37 problem. The Board shall report annually to the General Assembly on the reports it receives
38 and on what steps it is taking to remedy problems that it finds. (1987, c. 564, s. 4; 1995, c. 288,
39 s. 1; 1999-84, s. 2; 2011-145, s. 8.2(a).)

40
41 **§ 115D-5. Administration of institutions by State Board of Community Colleges;**
42 **personnel exempt from State Personnel Act; extension courses; tuition waiver;**
43 **in-plant training; contracting, etc., for establishment and operation of**
44 **extension units of the community college system; use of existing public school**
45 **facilities.**

46 (a) The State Board of Community Colleges may adopt and execute such policies,
47 regulations and standards concerning the establishment, administration, and operation of
48 institutions as the State Board may deem necessary to insure the quality of educational
49 programs, to promote the systematic meeting of educational needs of the State, and to provide
50 for the equitable distribution of State and federal funds to the several institutions.

1 The State Board of Community Colleges shall establish standards and scales for salaries
2 and allotments paid from funds administered by the State Board, and all employees of the
3 institutions shall be exempt from the provisions of the State Personnel Act. Any and all salary
4 caps set by the State Board for community college presidents shall apply only to the State-paid
5 portion of the salary. Except as otherwise provided by law, the employer contribution rate on
6 the local-paid portion of the salary, to be paid from local funds, shall be set by the State
7 Treasurer based on actuarial recommendations. The State Board shall have authority with
8 respect to individual institutions: to approve sites, capital improvement projects, budgets; to
9 approve the selection of the chief administrative officer; to establish and administer standards
10 for professional personnel, curricula, admissions, and graduation; to regulate the awarding of
11 degrees, diplomas, and certificates; to establish and regulate student tuition and fees within
12 policies for tuition and fees established by the General Assembly; and to establish and regulate
13 financial accounting procedures.

14 The State Board of Community Colleges shall require all community colleges to meet the
15 faculty credential requirements of the Southern Association of Colleges and Schools for all
16 community college programs.

17 (a1) Notwithstanding G.S. 66-58(c)(3) or any other provisions of law, the State Board of
18 Community Colleges may adopt rules governing the expenditure of funds derived from
19 bookstore sales by community colleges. These expenditures shall be consistent with the
20 mission and purpose of the Community College System. Profits may be used in the support and
21 enhancement of the bookstores, for student aid or scholarships, for expenditures of direct
22 benefit to students, and for other similar expenditures authorized by the board of trustees,
23 subject to rules adopted by the State Board. These funds shall not be used to supplement
24 salaries of any personnel.

25 (a2) The State Board of Community Colleges shall comply with the provisions of G.S.
26 116-11(10a) to plan and implement an exchange of information between the public schools and
27 the institutions of higher education in the State.

28 (a3) The State Board of Community Colleges shall adopt the following rules to assist
29 community colleges in their administration of procedures necessary to implement G.S. 20-11
30 and G.S. 20-13.2:

- 31 (1) To establish the procedures a person who is or was enrolled in a community
32 college must follow and the requirements that person must meet to obtain a
33 driving eligibility certificate.
- 34 (2) To require the person who is required under G.S. 20-11(n) to sign the
35 driving eligibility certificate to provide the certificate if he or she determines
36 that one of the following requirements is met:
 - 37 a. The person seeking the certificate is eligible for the certificate under
38 G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).
 - 39 b. The person seeking the certificate is eligible for the certificate under
40 G.S. 20-11(n)(1) and G.S. 20-11(n1).
- 41 (3) To provide for an appeal through the grievance procedures established by
42 the board of trustees of each community college by a person who is denied a
43 driving eligibility certificate.
- 44 (4) To define exemplary student behavior and to define what constitutes the
45 successful completion of a drug or alcohol treatment counseling program.

46 The State Board also shall develop policies as to when it is appropriate to
47 notify the Division of Motor Vehicles that a person who is or was enrolled in
48 a community college no longer meets the requirements for a driving
49 eligibility certificate. The State Board also shall adopt guidelines to assist the
50 presidents of community colleges in their designation of representatives to
51 sign driving eligibility certificates.

1 The State Board shall develop a form for the appropriate individuals to
2 provide their written, irrevocable consent for a community college to
3 disclose to the Division of Motor Vehicles that the student no longer meets
4 the conditions for a driving eligibility certificate under G.S. 20-11(n)(1) or
5 G.S. 20-11(n1), if applicable, in the event that this disclosure is necessary to
6 comply with G.S. 20-11 or G.S. 20-13.2. Other than identifying under which
7 statutory subsection the student is no longer eligible, no other details or
8 information concerning the student's school record shall be released pursuant
9 to this consent.

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

- 19 (1) Persons not enrolled in elementary or secondary schools taking courses
20 leading to a high school diploma or equivalent certificate.
- 21 (2) Courses requested by the following entities that support the organizations'
22 training needs and are on a specialized course list approved by the State
23 Board of Community Colleges:
 - 24 a. Volunteer fire departments.
 - 25 b. Municipal, county, or State fire departments.
 - 26 c. Volunteer EMS or rescue and lifesaving departments.
 - 27 d. Municipal, county, or State EMS or rescue and lifesaving
28 departments.
 - 29 e. Radio Emergency Associated Communications Teams (REACT)
30 under contract to a county as an emergency response agency.
 - 31 (v) (vi) municipal county, or State law-enforcement officers
 - 32 f. Municipal, county, or State law enforcement agencies.
 - 33 g. The Division of Adult Correction of the Department of Public Safety
34 for the training of full-time custodial employees and employees of
35 the Division's Section of Community Corrections of the Division of
36 Adult Correction required to be certified under Chapter 17C of the
37 General Statutes and the rules of the Criminal Justice and Training
38 Standards Commission.
 - 39 h. The Division of Juvenile Justice of the Department of Public Safety
40 for the training of employees required to be certified under Chapter
41 17C of the General Statutes and the rules of the Criminal Justice and
42 Training Standards Commission.
- 43 (3) Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1, 2011.
- 44 (4) Trainees enrolled in courses conducted under the Customized Training
45 Program.
- 46 (5) through (9) Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1,
47 2011.
- 48 (10) Elementary and secondary school employees enrolled in courses in first aid
49 or cardiopulmonary resuscitation (CPR).

- 1 (11) Up to six hours of credit instruction and one course of noncredit instruction
2 per academic semester for senior citizens age 65 or older who are qualified
3 as legal residents of North Carolina.
- 4 (12) All curriculum courses taken by high school students at community colleges,
5 in accordance with G.S. 115D-20(4) and this section.
- 6 (13) Human resources development courses for any individual who (i) is
7 unemployed; (ii) has received notification of a pending layoff; (iii) is
8 working and is eligible for the Federal Earned Income Tax Credit (FEITC);
9 or (iv) is working and earning wages at or below two hundred percent
10 (200%) of the federal poverty guidelines.
- 11 (14) Repealed by Session Laws 2011-145, s. 8.12(a), effective July 1, 2011.

12 The State Board of Community Colleges shall not waive tuition and registration fees for
13 other individuals.

14 (b1) The State Board of Community Colleges shall not waive tuition and registration fees
15 for community college faculty or staff members. Community colleges may, however, use State
16 or local funds to pay tuition and registration fees for one course per semester for full-time
17 community college faculty or staff members employed for a nine-, ten-, eleven-, or
18 twelve-month term.

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

29 (c1) Community colleges shall report full-time equivalent (FTE) student hours for
30 correction education programs on the basis of contact hours rather than student membership
31 hours. No community college shall operate a multi-entry/multi-exit class or program in a prison
32 facility, except for a literacy class or program.

33 The State Board shall work with the Division of Adult Correction of the Department of
34 Public Safety on offering classes and programs that match the average length of stay of an
35 inmate in a prison facility.

36 (d) Recodified as G.S. 115D-5.1(a) by Session Laws 2005-276, s. 8.4(a), effective July
37 1, 2005.

38 (e) Repealed by Session Laws 1999-84, s. 3, effective May 21, 1999.

39 (f) A community college may not offer a new program without the approval of the
40 State Board of Community Colleges except that approval shall not be required if the tuition for
41 the program will fully cover the cost of the program. If at any time tuition fails to fully cover
42 the cost of a program that falls under the exception, the program shall be discontinued unless
43 approved by the State Board of Community Colleges. If a proposed new program would serve
44 more than one community college, the State Board of Community Colleges shall perform a
45 feasibility study prior to acting on the proposal.

46 The State Board of Community Colleges shall report on an annual basis to the Governor,
47 Lieutenant Governor, the Speaker of the House of Representatives, and the Joint Legislative
48 Commission on Governmental Operations, on all new programs it approved during the year.
49 The report shall include the specific reasons for which each program was approved.

50 (g) Funds appropriated to the Community Colleges System Office as operating
51 expenses for allocation to the institutions comprising the North Carolina Community College

1 System shall not be used to support recreation extension courses. The financing of these
2 courses by any institution shall be on a self-supporting basis, and membership hours produced
3 from these activities shall not be counted when computing full-time equivalent students (FTE)
4 for use in budget-funding formulas at the State level.

5 (h) Whenever a community college offers real estate continuing education courses
6 pursuant to G.S. 93A-4.1, the courses shall be offered on a self-supporting basis.

7 (i) Recodified as G.S. 115D-5.1(c) by Session Laws 2005-276, s. 8.4(a), effective July
8 1, 2005.

9 (j) The State Board of Community Colleges shall use its Board Reserve Fund for
10 feasibility studies, pilot projects, start-up of new programs, and innovative ideas.

11 (k) Recodified as G.S. 115D-5.1(b) by Session Laws 2005-276, s. 8.4(a), effective July
12 1, 2005.

13 (l) The State Board shall review and approve lease purchase and installment purchase
14 contracts as provided under G.S. 115D-58.15(b). The State Board shall adopt policies and
15 procedures governing the review and approval process.

16 (m) The State Board of Community Colleges shall maintain an education program
17 auditing function that conducts an annual audit of each community college operating under the
18 provisions of this Chapter. The purpose of the annual audit shall be to ensure that college
19 programs and related fiscal operations comply with State law, State regulations, State Board
20 policies, and System Office guidance. The State Board of Community Colleges shall require
21 auditors of community college programs to use a statistically valid sample size in performing
22 program audits of community colleges. All education program audit findings shall be
23 forwarded to the college president, local college board of trustees, the State Board of
24 Community Colleges, and the State Auditor.

25 (n) The North Carolina Community Colleges System Office shall provide the
26 Department of Revenue with a list of all community colleges, including name, address, and
27 other identifying information requested by the Department of Revenue. The North Carolina
28 Community Colleges System Office shall update this list whenever there is a change.

29 (o) The General Assembly finds that additional data are needed to determine the
30 adequacy of multicampus and off-campus center funds; therefore, multicampus colleges and
31 colleges with off-campus centers shall report annually, beginning September 1, 2005, to the
32 Community Colleges System Office on all expenditures by line item of funds used to support
33 their multicampuses and off-campus centers. The Community Colleges System Office shall
34 report on these expenditures to the Education Appropriation Subcommittees of the House of
35 Representatives and the Senate, the Office of State Budget and Management, and the Fiscal
36 Research Division by December 1 of each year.

37 All multicampus centers approved by the State Board of Community Colleges shall receive
38 funding under the same formula. The State Board of Community Colleges shall not approve
39 any additional multicampus centers without identified recurring sources of funding.

40 (p) The North Carolina Community College System may offer courses, in accordance
41 with the lateral entry program of study established under G.S. 115C-296(c1), to individuals
42 who choose to enter the teaching profession by lateral entry.

43 (q) Repealed by Session Laws 2009-451, s. 8.9, effective July 1, 2009.

44 (r) The State Board of Community Colleges shall develop curriculum and continuing
45 education standards for courses of instruction in American Sign Language and shall encourage
46 community colleges to offer courses in American Sign Language as a modern foreign language.

47 (s) The State Board of Community Colleges may establish, retain and budget fees
48 charged to students taking the General Education Development (GED) test, including fees for
49 retesting. Fees collected for this purpose shall be used only to (i) offset the costs of the GED
50 test, including the cost of scoring the test, (ii) offset the costs of printing GED certificates, and
51 (iii) meet federal and State reporting requirements related to the test.

1 (t) The purpose of the first semester of the Gateway to College Program is to address
2 additional support to successfully complete the program. Students may need to take
3 developmental courses necessary for the transition to more challenging courses; therefore, the
4 State Board of Community Colleges shall (i) permit high school students who are enrolled in
5 Gateway to College Programs to enroll in developmental courses based on an assessment of
6 their individual student needs by a high school and community college staff team and (ii)
7 include this coursework in computing the budget FTE for the colleges.

8 (u) The State Board of Community Colleges shall direct each community college to
9 adopt a policy that authorizes a minimum of two excused absences each academic year for
10 religious observances required by the faith of a student. The policy may require that the student
11 provide written notice of the request for an excused absence a reasonable time prior to the
12 religious observance. The policy shall also provide that the student shall be given the
13 opportunity to make up any tests or other work missed due to an excused absence for a
14 religious observance. (1963, c. 488, s. 23; 1967, c. 652; 1969, c. 1294; 1973, c. 768; 1975, c.
15 882; 1977, c. 1065; 1979, c. 462, s. 2; c. 896, ss. 5-7; 1979, 2nd Sess., c. 1130, s. 1; 1981, c.
16 609; c. 859, s. 35.1; c. 897; c. 1127, s. 43; 1983, c. 717, s. 28; 1983 (Reg. Sess., 1984), c. 1034,
17 ss. 45, 46; 1985, c. 479, s. 67; 1985 (Reg. Sess., 1986), c. 955, s. 22; 1987, c. 282, s. 34; c. 564,
18 ss. 8-10, 12, 33; c. 763, s. 1; 1989, c. 162; 1989 (Reg. Sess., 1990), c. 915, s. 1; c. 1066, s. 91;
19 1991, c. 689, ss. 44, 48; 1991 (Reg. Sess., 1992), c. 880, s. 4; 1993, c. 170, s. 2; c. 321, ss. 111,
20 117(e); c. 492, s. 2; 1993 (Reg. Sess., 1994), c. 769, s. 18.4; 1995, c. 288, s. 2; c. 324, s. 16.4;
21 1996, 2nd Ex. Sess., c. 18, ss. 17.4, 17.7(a); 1997-443, ss. 9.5, 9.6(a), 11A.118(a); 1997-507, s.
22 4; 1998-111, s. 3; 1998-202, s. 4(q); 1999-84, ss. 3, 9; 1999-243, s. 9; 2000-137, s. 4(t);
23 2001-111, s. 1; 2001-427, s. 9(b); 2001-487, s. 47(e); 2004-124, s. 8.4; 2005-193, s. 1;
24 2005-198, s. 3; 2005-247, s. 3; 2005-2
25 76, ss. 8.4(a), 8.6; 2005-395, s. 25; 2006-203, s. 37; 2007-154, s. 2(a); 2007-484, ss. 29(a), 35;
26 2008-107, ss. 8.11, 8.17, 8.18; 2009-208, s. 1; 2009-451, ss. 8.8, 8.9, 8.11(d), (e); 2009-570, s.
27 42; 2009-575, s. 5; 2010-31, ss. 8.3(d), 8.4(a), 8.11; 2010-112, s. 2; 2010-113, s. 1; 2011-145,
28 ss. 8.2(b), 8.12(a), (b), 8.13, 19.1(h), (k), (l), 31.2; 2011-391, s. 18(a), (b).)

29 30 **§ 115D-5.1. Workforce Development Programs.**

31 (a) Community colleges shall assist in the preemployment and in-service training of
32 employees in industry, business, agriculture, health occupation and governmental agencies.
33 Such training shall include instruction on worker safety and health standards and practices
34 applicable to the field of employment. The State Board of Community Colleges shall make
35 appropriate regulations including the establishment of maximum hours of instruction which
36 may be offered at State expense in each in-plant training program. No instructor or other
37 employee of a community college shall engage in the normal management, supervisory and
38 operational functions of the establishment in which the instruction is offered during the hours in
39 which the instructor or other employee is employed for instructional or educational purposes.

40 (b) through (d) Repealed by Session Laws 2008-107, s. 8.7(a), effective July 1, 2008.

41 (e) There is created within the North Carolina Community College System the
42 Customized Training Program. The Customized Training Program shall offer programs and
43 training services to assist new and existing business and industry to remain productive,
44 profitable, and within the State. Before a business or industry qualifies to receive assistance
45 under the Customized Training Program, the President of the North Carolina Community
46 College System shall determine that:

47 (1) The business is making an appreciable capital investment;

48 (2) The business is deploying new technology;

49 (2a) The business or individual is creating jobs, expanding an existing workforce,
50 or enhancing the productivity and profitability of the operations within the
51 State; and

1 (3) The skills of the workers will be enhanced by the assistance.
2 (f) The State Board shall report on an annual basis to the Joint Legislative Education
3 Oversight Committee on:

4 (1) The total amount of funds received by a company under the Customized
5 Training Program;

6 (1a) The types of services sought by the company, whether for new, expanding,
7 or existing industry.

8 (2) The amount of funds per trainee received by that company;

9 (3) The amount of funds received per trainee by the community college
10 delivering the training;

11 (4) The number of trainees trained by the company and community college; and

12 (5) The number of years that company has been funded.

13 (f1) Notwithstanding any other provision of law, the State Board of Community
14 Colleges may adopt guidelines that allow the Customized Training Program to use funds
15 appropriated for that program to support training projects for the various branches of the Armed
16 Forces of the United States.

17 (f2) Funds available to the Customized Training Program shall not revert at the end of a
18 fiscal year but shall remain available until expended. Up to ten percent (10%) of the
19 college-delivered training expenditures and up to five percent (5%) of the contractor-delivered
20 training expenditures for the prior fiscal year for Customized Training may be allotted to each
21 college for capacity building at that college.

22 (f3) Of the funds appropriated in a fiscal year for the Customized Training Programs, the
23 State Board of Community Colleges may approve the use of up to eight percent (8%) for the
24 training and support of regional community college personnel to deliver Customized Training
25 Program services to business and industry.

26 (g) The State Board shall adopt guidelines to implement this section. At least 20 days
27 before the effective date of any criteria or nontechnical amendments to guidelines, the State
28 Board must publish the proposed guidelines on the Community Colleges System Office's web
29 site and provide notice to persons who have requested notice of proposed guidelines. In
30 addition, the State Board must accept oral and written comments on the proposed guidelines
31 during the 15 business days beginning on the first day that the State Board has completed these
32 notifications. For the purpose of this subsection, a technical amendment is either of the
33 following:

34 (1) An amendment that corrects a spelling or grammatical error.

35 (2) An amendment that makes a clarification based on public comment and
36 could have been anticipated by the public notice that immediately preceded
37 the public comment. (2005-276, s. 8.4(a), (b); 2005-445, s. 3; 2008-107, s.
38 8.7(a); 2009-451, s. 8.14(c); 2009-523, s. 2(b); 2009-570, s. 41; 2010-96, s.
39 14; 2011-183, s. 79.)
40

41 **§ 115D-6. Withdrawal of State support.**

42 The State Board of Community Colleges may withdraw or withhold State financial and
43 administrative support of any institutions subject to the provisions of this Chapter in the event
44 that:

45 (1) The required local financial support of an institution is not provided;

46 (2) Sufficient State funds are not available;

47 (3) The officials of an institution refuse or are unable to maintain prescribed
48 standards of administration or instruction; or

49 (4) Local educational needs for such an institution cease to exist. (1963, c. 448,
50 s. 23; 1979, c. 462, s. 2; c. 896, s. 8; 1979, 2nd Sess., c. 1130, s. 1.)
51

1 **§ 115D-7. Establishment of private, nonprofit corporations.**

2 The State Board of Community Colleges shall encourage the establishment of private,
3 nonprofit corporations to support the community college system. The President of the
4 Community Colleges System with the approval of the State Board of Community Colleges,
5 may assign employees to assist with the establishment and operation of such nonprofit
6 corporation and may make available to the corporation office space, equipment, supplies and
7 other related resources; provided, the sole purpose of the corporation is to support the
8 community college system.

9 The board of directors of each private, nonprofit corporation shall secure and pay for the
10 services of the State Auditor's Office or employ a certified public accountant to conduct an
11 audit of the financial accounts of the corporation. The board of directors shall transmit to the
12 State Board of Community Colleges a copy of the annual financial audit report of the private
13 nonprofit corporation. (1987, c. 383, s. 1; 1999-84, s. 10.)
14

15 **§ 115D-8.** Repealed by Session Laws 1999-84, s. 4.
16

17 **§ 115D-9. Powers of State Board regarding certain fee negotiations, contracts, and capital**
18 **improvements.**

19 (a) The expenditures of any State funds for any capital improvements of existing
20 institutions shall be subject to the prior approval of the State Board of Community Colleges and
21 the Governor. The expenditure of State funds at any institution herein authorized to be
22 approved by the State Board under G.S. 115D-4 shall be subject to the terms of the State
23 Budget Act unless specifically otherwise provided in this Chapter.

24 (b) Notwithstanding G.S. 143-341(3), the State Board of Community Colleges may,
25 with respect to design, construction, repair, or renovation of buildings, utilities, and other
26 State-funded property developments of the North Carolina Community College System
27 requiring the estimated expenditure of public money of four million dollars (\$4,000,000) or
28 less:

- 29 (1) Conduct the fee negotiations for all design contracts and supervise the letting
30 of all construction and design contracts.
- 31 (2) Develop procedures governing the responsibilities of the North Carolina
32 Community College System and its community colleges to perform the
33 duties of the Department of Administration and the Director or Office of
34 State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).
- 35 (3) Use existing plans and specifications for construction projects, where
36 feasible. Prior to designing a project, the State Board shall consult with the
37 Department of Administration on the availability of existing plans and
38 specifications and the feasibility of using them for a project.

39 (c) The State Board may delegate its authority under subsection (b) of this section to a
40 community college if the community college is qualified under guidelines adopted by the State
41 Board and approved by the State Building Commission and the Director of the Budget.

42 (d) The North Carolina Community College System shall use the standard contracts for
43 design and construction currently in use for State capital improvement projects by the Office of
44 State Construction of the Department of Administration.

45 (e) A contract may not be divided for the purpose of evading the monetary limit under
46 this section.

47 (f) Notwithstanding any other provision of this Chapter, the Department of
48 Administration shall not be the awarding authority for contracts awarded under subsections (b)
49 or (c) of this section.

50 (g) The State Board shall annually report to the State Building Commission the
51 following:

- 1 (1) A list of projects governed by this section.
2 (2) The estimated cost of each project along with the actual cost.
3 (3) The name of each person awarded a contract under this section.
4 (4) Whether the person or business awarded a contract under this section meets
5 the definition of "minority business" or "minority person" as defined in G.S.
6 143-128.2(g).

7 (h) The provisions of G.S. 143-341(3) shall not apply to a capital improvement project
8 funded with non-State funds if the State Board of Community Colleges determines that the
9 college has the expertise necessary to manage the project unless the assistance of the Office of
10 State Construction is requested. (2009-229, s. 2; 2011-145, s. 8.19(a).)

11
12 **§ 115D-10. Reserved for future codification purposes.**

13
14 **§ 115D-11. Reserved for future codification purposes.**