

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 315

Short Title: GPAC/Community Colleges.

(Public)

Sponsors: (by request) Representatives G. Miller, Blue, Barnes, Diamont, Hackney, Hensley, H. Hunter, Nesbitt, and Robinson.

Referred to: Education.

February 25, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNMENT
2 PERFORMANCE AUDIT COMMITTEE REGARDING THE NORTH
3 CAROLINA COMMUNITY COLLEGE SYSTEM.
4

5 The General Assembly of North Carolina enacts:

6 —COMM. COLL. COST OF EDUCATION POLICY.

7 Section 1. (a) The General Assembly finds that the tuition policy of the North
8 Carolina Community College System needs to be reexamined in order to reflect better
9 the constitutional mandate to provide higher education free of expense "as far as
10 practicable" by reevaluating the relationship of tuition to the cost of education and by
11 determining what costs must be made up of tuition charged in order to ensure that all
12 eligible North Carolinians are indeed guaranteed a public higher education in the North
13 Carolina Community College System at the lowest possible cost while maintaining a
14 public community college system that is worthy of the support of all North Carolinians.

15 (b) The General Assembly finds that tuition and required fees charged for
16 community colleges should be a limited amount of resident students' per capita student
17 funding.

18 (c) The State Board of Community Colleges shall develop a tuition/fee policy
19 consistent with law that limits tuition and required fees to a specific percentage of less
20 than one-fifth of the per capita student funding for resident students attending
21 community colleges.

1 (d) The State Board of Community Colleges shall present its plan for
2 implementing the tuition adjustments pursuant to this section to the General Assembly
3 by April 1, 1994.

4 (e) G.S. 115D-5(a) reads as rewritten:

5 "(a) The State Board of Community Colleges may adopt and execute such
6 policies, regulations and standards concerning the establishment, administration, and
7 operation of institutions as the State Board may deem necessary to insure the quality of
8 educational programs, to promote the systematic meeting of educational needs of the
9 State, and to provide for the equitable distribution of State and federal funds to the
10 several institutions.

11 The State Board of Community Colleges shall establish standards and scales for
12 salaries and allotments paid from funds administered by the State Board, and all
13 employees of the institutions shall be exempt from the provisions of the State Personnel
14 Act. The State Board shall have authority with respect to individual institutions: to
15 approve sites, buildings, building plans, budgets; to approve the selection of the chief
16 administrative officer; to establish and administer standards for professional personnel,
17 curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas,
18 and certificates; to establish and regulate student tuition and fees ~~and financial accounting~~
19 ~~procedures~~ within policies for tuition and fees established by the General Assembly; and
20 to establish and regulate financial accounting procedures."

21 (f) This section becomes effective July 1, 1993.

22 ---NCCCS TUITION STABILIZED.

23 Sec. 2. (a) It is the goal of the General Assembly that students in the North
24 Carolina Community College System pay tuition and required fees at the rate of
25 approximately twenty percent (20%) of the cost of education. The tuition of students in
26 the North Carolina Community College System shall be increased proportionately when
27 the cost of education justifies an increase in tuition.

28 (b) This section becomes effective July 1, 1993.

29 ---NCCCS FUNDING GOAL.

30 Sec. 3. (a) It is the goal of the General Assembly to increase the per student
31 funding for the North Carolina Community College System, as soon as fiscal conditions
32 permit, to a level more comparable to national averages for similar institutions.

33 (b) This section becomes effective July 1, 1993.

34 ---NCCCS FUNDING FORMULA.

35 Sec. 4. (a) The State Board of Community Colleges shall develop a program-
36 based funding system, including a full-time equivalency component and specific goal
37 performance components, in order to encourage the community colleges to meet
38 particular State needs or goals. The State Board of Community Colleges shall propose
39 an initial set of such goals and shall propose revisions of these goals periodically. The
40 State Board of Community Colleges shall report its proposed new funding system to the
41 1995 General Assembly for its approval.

42 (b) This section becomes effective July 1, 1993.

43 ---COMM. COLL. MORATORIUM.

1 Sec. 5. (a) No new community colleges and satellite community college
2 campuses may be established within the North Carolina Community College System.
3 The General Assembly shall lift this moratorium when the system restructuring plan has
4 been adopted by the State Board of Community Colleges.

5 (b) This section is effective upon ratification.

6 —GPAC/COMM. COLL. PROGRAM REVIEW.

7 Sec. 6. (a) The State Board of Community Colleges shall conduct a review of
8 the structure of the community college system. The State Board of Community
9 Colleges shall redefine the structure of the community college system based upon a
10 regional review of program needs in order to facilitate the most efficient use of system
11 resources. The program planning required by this act shall include the defining of
12 enlarged service areas for community colleges based upon the needs of the respective
13 service areas. The planning process utilized by the State Board shall include review of
14 the need to consolidate, eliminate, or modify the status of existing community colleges
15 and satellites. The State Board shall review the distribution of physical facilities,
16 programs, and resources in regions for the purpose of eliminating competition among
17 the community colleges for students in overlapping service areas.

18 (b) In the defining of new regions for the most efficient functioning of the
19 community college system, the State Board of Community Colleges shall conduct a
20 comprehensive program review designed to eliminate unproductive, low quality,
21 unnecessary, or duplicative programs.

22 (c) The State Board of Community Colleges shall implement a regional program
23 structure to facilitate effective program planning, efficient use of resources, the
24 implementation of statewide curriculum standards, and consolidated high quality
25 programs. The regional structure shall be the unit used for the purposes of
26 comprehensive planning and budgeting in the community college system. The criteria
27 used by the State Board in determining the manner in which the community college
28 system shall be restructured into newly defined regions may include, in addition to other
29 appropriate criteria, the following:

- 30 (1) Location of the nearest college or satellite campus;
- 31 (2) New or anticipated population to be served;
- 32 (3) Existing and proposed transportation corridors and facilities;
- 33 (4) Programs proposed compared to the location of the nearest similar
34 program;
- 35 (5) Feasibility of delivering programs using technology;
- 36 (6) Use and availability of facilities of local school systems;
- 37 (7) Potential impact on enrollment of nearby institutions; and
- 38 (8) Geographical redistribution of community colleges that offer college
39 transfer programs.

40 (d) The State Board of Community Colleges shall establish standards for the
41 periodic review of community college programs including standards for the termination
42 of programs.

43 (e) The State Board of Community Colleges shall establish within the
44 community college system Centers for Excellence that shall be responsible for the

1 creation of world class model programs to be implemented throughout the community
2 college system at each of the institutions authorized to offer the program. The Centers
3 for Excellence shall design model curricula, establish curriculum standards, and update
4 curricula in response to changes in technologies and market conditions. The Centers for
5 Excellence for each curriculum program area shall be composed of community college
6 faculty members from any community college who are chosen for their individual
7 excellence and leadership.

8 (f) This section is effective upon ratification.

9 —GPAC/LOCAL COM. COLL. BOARD.

10 Sec. 7. (a) G.S. 115D-12(a) reads as rewritten:

11 "(a) Each community college established or operated pursuant to this Chapter
12 shall be governed by a board of trustees consisting of 13 members, or of additional
13 members if selected according to the special procedure prescribed by the third
14 paragraph of this subsection, who shall be selected by the following agencies.

15 ~~Group One – four trustees, elected by the board of education of the public school~~
16 ~~administrative unit located in the administrative area of the institution. If there are two~~
17 ~~or more public school administrative units, whether city or county units, or both, located~~
18 ~~within the administrative area, the trustees shall be elected jointly by all of the boards of~~
19 ~~education of those units, each board having one vote in the election of each trustee,~~
20 ~~except as provided in G.S. 115D-59. No board of education shall elect any person~~
21 ~~employed by the board of education to serve as a trustee, however, any such person~~
22 ~~currently serving on a board of trustees shall be permitted to fulfill the unexpired~~
23 ~~portion of the trustee's current term.~~ elected by the State Board of Community Colleges.

24 Group Two – four trustees, elected by the board of commissioners of the county in
25 which the institution is located. Provided, however, if the administrative area of the
26 institution is composed of two or more counties, the trustees shall be elected jointly by
27 the boards of commissioners of all those counties, each board having one vote in the
28 election of each trustee. Provided, also, the county commissioners of the county in
29 which the community college has established a satellite campus may elect an additional
30 two members if the board of trustees of the community college agrees. Should the
31 boards of education or the boards of commissioners involved be unable to agree on one
32 or more trustees the senior resident superior court judge in the superior court district or
33 set of districts as defined in G.S. 7A-41.1 where the institution is located shall fill the
34 position or positions by appointment.

35 Group Three – four trustees, appointed by the Governor.

36 Group Four – the president of the student government or the chairman of the
37 executive board of the student body of each community college established pursuant to
38 G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each said
39 institution."

40 (b) This section is effective upon ratification and applies to terms commencing
41 on and after July 1, 1993.

42 —COMM. COLL. PRES. SELECTION.

43 Sec. 8. (a) G.S. 115D-5(a) reads as rewritten:

1 "(a) The State Board of Community Colleges may adopt and execute such
2 policies, regulations and standards concerning the establishment, administration, and
3 operation of institutions as the State Board may deem necessary to insure the quality of
4 educational programs, to promote the systematic meeting of educational needs of the
5 State, and to provide for the equitable distribution of State and federal funds to the
6 several institutions.

7 The State Board of Community Colleges shall establish standards and scales for
8 salaries and allotments paid from funds administered by the State Board, and all
9 employees of the institutions shall be exempt from the provisions of the State Personnel
10 Act. The State Board shall have authority with respect to individual institutions: to
11 approve sites, buildings, building plans, budgets; ~~to approve the selection of the chief~~
12 ~~administrative officer; to select the president;~~ to establish and administer standards for
13 professional personnel, curricula, admissions, and graduation; to regulate the awarding
14 of degrees, diplomas, and certificates; to establish and regulate student tuition and fees
15 and financial accounting procedures. The process of selecting the president of a
16 community college shall include a procedure by which the local community college
17 board of trustees may select a slate of no less than three nominees for the position of
18 president. This slate shall be submitted to the president of the community college
19 system who will recommend a candidate from the slate for selection by the State Board
20 of Community Colleges."

21 (b) G.S. 115D-20 reads as rewritten:

22 **"§ 115D-20. Powers and duties of trustees.**

23 The trustees of each institution shall constitute the local administrative board of such
24 institution, with such powers and duties as are provided in this Chapter and as are
25 delegated to it by the State Board of Community Colleges. The powers and duties of
26 trustees shall include the following:

- 27 (1) ~~To elect a president or chief administrative officer of the institution for~~
28 ~~such term and under such conditions as the trustees may fix, such~~
29 ~~election to be subject to the approval of the State Board of Community~~
30 ~~Colleges.~~
- 31 (2) To elect or employ ~~all other~~ personnel of the institution upon
32 nomination by the president or chief administrative officer, subject to
33 standards established by the State Board of Community Colleges.
34 Trustees may delegate the authority of employing such other personnel
35 to its president or chief administrative officer.
- 36 (3) To purchase any land, easement, or right-of-way which shall be
37 necessary for the proper operation of the institution, upon approval of
38 the State Board of Community Colleges, if necessary, to acquire land
39 by condemnation in the same manner and under the same procedures
40 as provided in General Statutes Chapter 40A. For the purpose of
41 condemnation, the determination by the trustees as to the location and
42 amount of land to be taken and the necessity therefor shall be
43 conclusive.

- 1 (4) To apply the standards and requirements for admission and graduation
2 of students and other standards established by the State Board of
3 Community Colleges. Provided, notwithstanding any law or
4 administrative rule to the contrary, local administrative boards and
5 local school boards may establish cooperative programs in the areas
6 they serve to provide for college courses to be offered to qualified high
7 school students with college credits to be awarded to those high school
8 students upon the successful completion of the courses. Provided,
9 further, that during the summer quarter, persons less than 16 years old
10 may be permitted to take noncredit courses on a self-supporting basis,
11 subject to rules of the State Board of Community Colleges.
- 12 (5) To receive and accept donations, gifts, bequests, and the like from
13 private donors and to apply them or invest any of them and apply the
14 proceeds for purposes and upon the terms which the donor may
15 prescribe and which are consistent with the provisions of this Chapter
16 and the regulations of the State Board of Community Colleges.
- 17 (6) To provide all or part of the instructional services for the institution by
18 contracting with other public or private organizations or institutions in
19 accordance with regulations and standards adopted by the State Board
20 of Community Colleges.
- 21 (7) To perform such other acts and do such other things as may be
22 necessary or proper for the exercise of the foregoing specific powers,
23 including the adoption and enforcement of all reasonable rules,
24 regulations, and bylaws for the government and operation of the
25 institution under this Chapter and for the discipline of students.
- 26 (8) If a board of trustees of an institution provides access to its buildings
27 and campus and the student information directory to persons or groups
28 which make students aware of occupational or educational options, the
29 board of trustees shall provide access on the same basis to official
30 recruiting representatives of the military forces of the State and of the
31 United States for the purpose of informing students of educational and
32 career opportunities available in the military.
- 33 (9) To encourage the establishment of private, nonprofit corporations to
34 support the institution. The president, with approval of the board of
35 trustees, may assign employees to assist with the establishment and
36 operation of such corporation and may make available to the
37 corporation office space, equipment, supplies and other related
38 resources; provided, the sole purpose of the corporation is to support
39 the institution. The board of directors of each private, nonprofit
40 corporation shall secure and pay for the services of the State Auditor's
41 Office or employ a certified public accountant to conduct an annual
42 audit of the financial accounts of the corporation. The board of
43 directors shall transmit to the board of trustees a copy of the annual
44 financial audit report of the private nonprofit corporation."

1 (c) This section becomes effective July 1, 1993.

2 ---COMM. COLLEGE SCHOLARSHIPS.

3 Sec. 9. (a) The Department of Community Colleges shall develop a plan to
4 establish a Community College System Challenge Grant Scholarship Fund. The plan
5 shall be presented to the 1994 Regular Session of the 1993 General Assembly. The plan
6 shall address initial funding (method and amounts) as well as matching contributions
7 from non-State contributions.

8 (b) It is the goal of the General Assembly that the Challenge Grant Scholarship
9 Fund be developed for the benefit of needy students in the North Carolina Community
10 College System.

11 (c) The State Board of Community Colleges shall administer the Challenge Grant
12 Scholarship Fund as a means for augmenting rapidly the principal in the Fund so that
13 the State Board will gain greater resources from which to award aid to a larger number
14 of needy students.

15 (d) This section is effective upon ratification.