

1D SBCCC 400.5 Curriculum Instructional Contract Provisions

- (a) Any curriculum contract entered into by the local board of trustees of a college for the purpose of providing a curriculum course or a curriculum program through other public or private organizations or institutions shall meet the following general criteria:
- (1) Colleges shall enter into a contract consistent with the requirements of the local board of trustees, the public or private organizations or institutions being contracted with and the State Board of Community Colleges' criteria.
 - (2) The contract shall be limited to and not exceed the fiscal year in which the contract begins.
 - (3) The provisions for payment under contract shall not exceed the usual and customary costs associated with the contracted instruction.
 - (4) The contract shall provide that the college personnel shall have the right to supervise the educational program offered by the public or private organizations or institutions to the extent necessary to ensure the quality of the instructional program.
 - (5) The contract shall provide that the college, the North Carolina Community College System Office, and the State Auditor shall have access to the records of the public or private organizations or institutions to the extent necessary to ascertain the accuracy of such records and shall authorize the North Carolina Community College System Office to obtain such fiscal accounting reports as are necessary in carrying out the terms of the contract.
 - (6) A curriculum program or a curriculum course taught under contract shall be limited to programs or courses the college has been authorized to offer by the State Board of Community Colleges.
 - (7) The contract shall stipulate that students taught under the terms of the contract shall pay the same fees charged other students in similar programs in the college, which fees shall be deposited in like manner as other fees.
 - (8) No tuition or fee charges shall be collected by the public or private organizations or institutions from students taught under such contracts unless specified by the contract.

- (9) The chairman of the board of trustees, president of the college and the president or owner of the public or private organization or institution shall sign the contract upon authority of the full board of trustees. The contract shall contain original signatures.
- (b) Approval Procedure. When approved by the local board of trustees and the public or private organizations or institutions, the contract document shall be submitted to the President of the North Carolina Community College System who is authorized to approve the college's budget for the contracted instructional services if the requirements in Paragraphs (a), (b), and (c) of this Rule have been met.
- (c) The following provisions shall apply specifically to curriculum contracts with a proprietary or private non-profit institution:
- (1) The proprietary or private non-profit institution with which the contract is made shall be licensed as required by the General Statutes of North Carolina and shall provide proof that the institution has maintained the licensure for a minimum of two years to offer the instruction desired.
 - (2) If federal funds are to be used to pay for instruction provided under the conditions of the contract, the proprietary or private non-profit institution shall meet the definition of the private vocational training institution pursuant to Title 34, Section 400.4(b) of the Code of Federal Regulations.
 - (3) The chief executive officer of the proprietary or private non-profit institution, or designated agent, shall sign a certification statement that the program in question, facility, or contract for services to students will be open without regard to race, age, color, creed, gender, religion, national origin, political affiliation, or disability.
 - (4) Public or private colleges or universities shall be licensed as required by the General Statutes of North Carolina to offer the instruction desired if entering into a contract to provide instructional services with the board of trustees of a college.
- (d) Unless otherwise specified, colleges shall earn reimbursement on the regular formula budget for student membership hours generated by instruction under contract. Also, note 1G SBCCC 100.99 which addresses contracted instruction offered primarily in the non-credit, occupational extension area.

(e) The provisions of 1D SBCCC 400.5 do not apply to contracts between a college and its individual instructors.

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