



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

19 August 2014

[REVISED 22 September 2014]

IMPORTANT INFORMATION

MEMORANDUM

TO: Members of the State Board of Community Colleges
Community College Presidents
Boards of Trustees Chairs
Community College Chief Academic Officers, Chief Admissions Officers,
Business Officers, Distance Learning, Chief Financial Officers, Continuing
Education Officers, Financial Aid Officers, Student Development
Administrators, Public Information Officers, Registrars & Other Interested
Parties

FROM: Q. Shanté Martin, *NCCCS General Counsel*

RE: **Proposed Amendment of 1D SBCCC 400.2 – “Admission to Colleges”**

The State Board of Community Colleges has initiated the rulemaking process to amend the following rule:

1D SBCCC 400.2 – “Admission to Colleges”

The State Board of Community Colleges proposes to amend this rule to comply with statutory language and to create an exception to the open door policy based on federal regulations causing financial hardship, *see* 34 CFR § 600.9(c). **The proposed amendments are published on the NC Community College System's website, www.nccommunitycolleges.edu, under "State Board Code."** For your convenience, a copy of the proposed rules, with the changes indicated, is attached to this memorandum. Please post a copy of the proposed rules in prominent places so that all individuals affected by the proposed changes will be informed.

Any member of the public has the right to submit written comments on the proposed rules. **Written comments on the rules must be received by no later than 5:00 p.m. on September 18, 2014.** Any member of the public has the right to request a hearing on the proposed rules. **Requests for a hearing must be received by no later than 5:00 p.m. on September 3, 2014.** Written comments and requests for hearing shall be directed to the following address: Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to publiccomments@nccommunitycolleges.edu. Thank you for your attention to this matter.

**CC14-028
E-mail Copy**

Attachments



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: 19 August 2014

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amend 1D SBCCC 400.2 – “Admission to Colleges
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Specify whether the SBCC proposes to adopt amend, or repeal a rule:

Adopt (new rule)	Amend (change existing rule)	Repeal (delete entire rule)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Rationale for proposed adoption, amendment or repeal:	<p>1D SBCCC 400.2 governs admission to colleges. The first proposed amendment located in 1D SBCCC 400.2(a) is warranted to comply with statutory language contained in N.C. Gen. Stat. § 115D-1.3.</p> <p>The second proposed amendment located in 1D SBCCC 400.2(g) is warranted since federal regulations, <i>see</i> 34 CFR § 600.9(c), put our colleges in an untenable position—deciding between violating state regulations or complying with federal requirements that impose crippling, financial impediments on colleges. The NCACCP supports this amendment to create a narrow exception to the open door policy based on federal regulations causing financial hardship. <i>See</i> 34 CFR § 600.99(c)</p>
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Proposed Effective Date of Rule	December 1, 2014
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1D SBCCC 400.2 is proposed for amendment as follows:



1 **State Board of Community Colleges Code**
2

3 **1D SBCCC 400.2 ADMISSION TO COLLEGES**

4 (a) Each college shall maintain an open-door admission policy to all applicants who are legal
5 residents of the United States and who are either high school graduates or are at least 18 years
6 of age. Community colleges shall not solicit or use information regarding the accreditation of
7 a secondary school located in North Carolina that a person attended as a factor affecting
8 admission to the college or to any program of study, loans, scholarships, or other educational
9 activity at the community college, unless the accreditation was conducted by a State agency.
10 For purposes of this Section, the term "accreditation" shall include certification or any other
11 similar approval process. Student admission processing and placement determination shall be
12 performed by the officials of each college. Admission requirements for an emancipated minor
13 shall be the same as for an applicant 18 years old or older. Provisions with respect to admission
14 of minors are set forth in Rule .0305 of this Section.

15 (b) For the purposes of this Section, "undocumented immigrant" means any immigrant who is not
16 lawfully present in the United States. Community colleges shall admit undocumented
17 immigrants under the following conditions:

18 (1) Community colleges shall admit an undocumented immigrant only if he or she attended
19 and graduated from a United States public high school, private high school, or home school
20 that operates in compliance with State or local law;

21 (2) When determining who is an undocumented immigrant, community colleges shall use
22 federal immigration classifications;

23 (3) Undocumented immigrants admitted under Subparagraph (b)(1) of this Rule must comply
24 with all federal and state laws concerning financial aid;

25 (4) An undocumented immigrant admitted under Subparagraph (b)(1) of this Rule shall not be
26 considered a North Carolina resident for tuition purposes. All undocumented immigrants
27 admitted under Subparagraph (b)(1) of this Rule must be charged out of state tuition
28 whether or not they reside in North Carolina;

29 (5) When considering whether to admit an undocumented immigrant into a specific program
30 of study, community colleges shall take into account that federal law prohibits states from
31 granting professional licenses to undocumented immigrants; and

1 (6) Students lawfully present in the United States shall have priority over any undocumented
2 immigrant in any class or program of study when capacity limitations exist.

3 (c) Boards of trustees may adopt policies regulating admission and graduation of students enrolled
4 in courses mandated under G.S. 17C, North Carolina Criminal Justice Education and Training
5 Standards Commission, or G.S. 17E, North Carolina Sheriffs' Education and Training
6 Standards Commission. These policies may limit enrollment to law enforcement officers or
7 persons sponsored by law enforcement agencies and may require a student to maintain
8 sponsorship by a law enforcement agency until completion of the program. Policies adopted
9 pursuant to this Paragraph shall be published and made available to students and prospective
10 students.

11 (d) Any college suspending or expelling a student for non-academic disciplinary purposes shall
12 record the suspension or expulsion in the student's educational record. Upon receipt of a
13 written request signed by the student and subject to all applicable privacy laws, each college
14 shall, in accordance with the student's request, inform other colleges and universities of the
15 term and circumstances of the student's non-academic disciplinary suspension or expulsion, if
16 any. Boards of trustees may adopt polices refusing admission to any applicant during any
17 period of time that the student is suspended or expelled from any other educational entity.

18 (e) Boards of trustees may adopt policies refusing admission to any applicant if it is necessary to
19 protect the safety of the applicant or other individuals. When making a safety determination,
20 colleges may refuse admission to an applicant when there is an articulable, imminent, and
21 significant threat to the applicant or other individuals. Colleges refusing admission on the
22 basis of a safety threat shall document the following:

23 (1) Detailed facts supporting the rationale for denying admission;

24 (2) The time period within which the refusal to admit shall be applicable and the supporting
25 rationale for the designated time period; and

26 (3) The conditions upon which the applicant that is refused would be eligible to be admitted.

27 (f) Boards of trustees shall implement an appeals process for applicants denied admission pursuant
28 to Subsection (e) of this Section.

29 (g) Boards of trustees may adopt policies refusing admission to any applicant who is not a resident
30 of North Carolina who seeks admission to any distance education course only if that applicant
31 resides in a State where the college is not authorized to provide distance education in that State.

1 *History Note: Authority G.S. 115D-1; 115D-5; 115D-20; 115D-1.3;*
2 *Eff. January 21, 2011;*
3 *Amended Eff. December 1, 2014; June 1, 2012.*