



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

*R. Scott Ralls, Ph.D.*

*President*

October 23, 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, NC Community  
College System Office Staff, and Other Interested Parties

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

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

On 17 October 2014, the State Board of Community Colleges voted to amend the following rule:

**1D SBCCC 400.2 – “Admission to Colleges”**

The State Board of Community Colleges amended 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 rule will be effective November 1, 2014. The new rule will be published on the NC Community College System's website, [www.nccommunitycolleges.edu](http://www.nccommunitycolleges.edu), under "State Board Code."** For your convenience, a copy of the rule is attached to this memorandum.

**CC14-035  
E-mail Copy**

Attachments

**State Board of Community Colleges Code**  
**TITLE 1 – COMMUNITY COLLEGES**

**CHAPTER D. EDUCATION PROGRAMS**

**SUBCHAPTER 400. CURRICULUM**

**1D SBCCC 400.2 Admission to Colleges**

- (a) Each college shall maintain an open-door admission policy to all applicants who are legal residents of the United States and who are either high school graduates or are at least 18 years of age. Community colleges shall not solicit or use information regarding the accreditation of a secondary school located in North Carolina that a person attended as a factor affecting admission to the college or to any program of study, loans, scholarships, or other educational activity at the community college, unless the accreditation was conducted by a State agency. For purposes of this Section, the term “accreditation” shall include certification or any other similar approval process. Student admission processing and placement determination shall be performed by the officials of each college. Admission requirements for an emancipated minor shall be the same as for an applicant 18 years old or older. Provisions with respect to admission of minors are set forth in 1D SBCCC 200.95 and 1D SBCCC 300.99.
- (b) For the purposes of this Section, "undocumented immigrant" means any immigrant who is not lawfully present in the United States. Community colleges shall admit undocumented immigrants under the following conditions:
- (1) Community colleges shall admit an undocumented immigrant only if he or she attended and graduated from a United States public high school, private high school, or home school that operates in compliance with State or local law;
  - (2) When determining who is an undocumented immigrant, community colleges shall use federal immigration classifications;
  - (3) Undocumented immigrants admitted under Subparagraph (b)(1) of this Rule must comply with all federal and state laws concerning financial aid;
  - (4) An undocumented immigrant admitted under Subparagraph (b)(1) of this Rule shall not be considered a North Carolina resident for tuition purposes. All undocumented immigrants

- admitted under Subparagraph (b)(1) of this Rule must be charged out of state tuition whether or not they reside in North Carolina;
- (5) When considering whether to admit an undocumented immigrant into a specific program of study, community colleges shall take into account that federal law prohibits states from granting professional licenses to undocumented immigrants; and
  - (6) Students lawfully present in the United States shall have priority over any undocumented immigrant in any class or program of study when capacity limitations exist.
- (c) Boards of trustees may adopt policies regulating admission and graduation of students enrolled in courses mandated under G.S. 17C, North Carolina Criminal Justice Education and Training Standards Commission, or G.S. 17E, North Carolina Sheriffs' Education and Training Standards Commission. These policies may limit enrollment to law enforcement officers or persons sponsored by law enforcement agencies and may require a student to maintain sponsorship by a law enforcement agency until completion of the program. Policies adopted pursuant to this Paragraph shall be published and made available to students and prospective students.
- (d) Any college suspending or expelling a student for non-academic disciplinary purposes shall record the suspension or expulsion in the student's educational record. Upon receipt of a written request signed by the student and subject to all applicable privacy laws, each college shall, in accordance with the student's request, inform other colleges and universities of the term and circumstances of the student's non-academic disciplinary suspension or expulsion, if any. Boards of trustees may adopt policies refusing admission to any applicant during any period of time that the student is suspended or expelled from any other educational entity.
- (e) Boards of trustees may adopt policies refusing admission to any applicant if it is necessary to protect the safety of the applicant or other individuals. When making a safety determination, colleges may refuse admission to an applicant when there is an articulable, imminent, and significant threat to the applicant or other individuals. Colleges refusing admission on the basis of a safety threat shall document the following:
- (1) Detailed facts supporting the rationale for denying admission;
  - (2) The time period within which the refusal to admit shall be applicable and the supporting rationale for the designated time period; and
  - (3) The conditions upon which the applicant that is refused would be eligible to be admitted.

- (f) Boards of trustees shall implement an appeals process for applicants denied admission pursuant to Subsection (e) of this Section.
- (g) Boards of trustees may adopt policies refusing admission to any applicant who is not a resident of North Carolina who seeks enrollment in any distance education course only if that applicant resides in a State where the college is not authorized to provide distance education in that State.

*History Note: Authority G.S. 115D-1; 115D-5; 115D-20; 115D-1.3;*

*Eff. January 21, 2011;*

*Amended Eff. [November 1, 2014](#); ~~June 1, 2012.~~*