



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Mr. George Fouts.

Interim President

20 January 2016

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: **Substantive Changes - Proposed Amendment 1D SBCCC 400.2 – “Admission to Colleges”**

On 7 December 2015, the State Board of Community Colleges (“SBCC”) provided public notice that it initiated the rulemaking process to amend the following rule:

1D SBCCC 400.2 – “Admission to Colleges”

The SBCC’s proposed language would require community colleges with programs that require possession of a firearm to ensure that individuals enrolling in those programs have the legal authority to possess a firearm. The SBCC received public comments on the above rule through 6 January 2016. After consideration of the public comments, the SBCC is proposing changes to the proposed rule to amend 1D SBCCC 400.2 – “Admission to Colleges.” The changes to the proposed amendment would constitute a substantive change under 3B SBCCC 100.2(l) and 300.1 One change to the proposed rule provides an exclusion for Basic Law Enforcement Training courses such that 1D SBCCC 400.2(h) would not apply to Basic Law Enforcement Training courses. The other change provides clarifying language to ensure colleges understand that if the college uses the background check option to determine a person’s legal authorization to possess a firearm, the college has the discretion to determine how the college will conduct background checks for the purpose of 1D SBCCC 400.2(h). **The proposed amendment including the substantive changes 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 rule, with the substantive changes indicated, is attached to this memorandum. The items highlighted are the changes that the SBCC approved. “Strikeouts” indicate deletion of prior suggested language and “underlines” indicate the proposed addition of language. Please post a copy of the proposed rule with the substantive changes 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 substantive changes. Please note that any person who submits a public comment on behalf of their community college should comply with their college's local process for submitting comments on a proposed rule. **Written comments on the substantive changes must be received by no later than 5:00 p.m. on Wednesday, January 27, 2016.** Written comments shall be directed to the following email address: publiccomments@nccommunitycolleges.edu or via postal mail at Q. Shanté Martin, 200 W. Jones Street, 5001 Mail Service Center, Raleigh, NC 27699-5001. Thank you for your attention to this matter.

CC16-003
E-mail Copy

Attachments

1D SBCCC 400.2 is proposed for amendment as follows:



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

3
4 **CHAPTER D. EDUCATION PROGRAMS**

5
6 **SUBCHAPTER 400. CURRICULUM**

7
8 **1D SBCCC 400.2 Admission to Colleges**

9 (a) Each college shall maintain an open-door admission policy to all applicants who are legal
10 residents of the United States and who are either high school graduates or are at least 18 years
11 of age. Community colleges shall not solicit or use information regarding the accreditation of
12 a secondary school located in North Carolina that a person attended as a factor affecting
13 admission to the college or to any program of study, loans, scholarships, or other educational
14 activity at the community college, unless the accreditation was conducted by a State agency.
15 For purposes of this Section, the term “accreditation” shall include certification or any other
16 similar approval process. Student admission processing and placement determination shall be
17 performed by the officials of each college. Admission requirements for an emancipated minor
18 shall be the same as for an applicant 18 years old or older. Provisions with respect to admission
19 of minors are set forth in 1D SBCCC 200.95 and 1D SBCCC 300.99.

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

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

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

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

30 (4) An undocumented immigrant admitted under Subparagraph (b)(1) of this Rule shall not be
31 considered a North Carolina resident for tuition purposes. All undocumented immigrants

1 admitted under Subparagraph (b)(1) of this Rule must be charged out of state tuition
2 whether or not they reside in North Carolina;

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

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

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

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

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

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

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

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

1 (f) Boards of trustees shall implement an appeals process for applicants denied admission pursuant
2 to either Subsection (e) or denied enrollment pursuant to Subsection (h) of this Section.

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

6 (h) Except for courses governed by subsection (c) above, iff a community college has a program
7 or develops a program that requires students to possess a firearm, that board of trustees shall
8 adopt local policies requiring proof of eligibility to possess firearms to be enrolled in such
9 program. For the purposes of this Section, “firearms” shall have the same definition as G.S.
10 14-409.39(2). For the purposes of this Section, proof of eligibility shall include:

11 (1) Any current, valid State-issued permit to purchase a firearm;

12 (2) A current, valid State-issued concealed carry permit from North Carolina;

13 (3) A current, valid State-issued concealed carry permit from a state with a reciprocal
14 concealed carry agreement with North Carolina;

15 (4) Proof of an exemption from permit requirements pursuant to G.S. 14-415.25; or

16 (5) A background check that is ~~authorized~~ **determined** by the college. The sole purpose of the
17 background check shall be to determine whether an applicant can lawfully possess a
18 firearm in North Carolina pursuant to G.S. 14-269.8, G.S. 14-404(c), G.S. 14-415.1, G.S.
19 14-415.3, and G.S. 14-415.25.

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

22 *Eff. February 1, 1976;*

23 *Amended Eff. March 1, 2016; [November 1, 2014](#); July 10, 2010; January 1, 2006;*

24 *January 1, 1996; September 1, 1993; January 1, 1987; May 1, 1982.*

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