



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Peter Hans, President

23 July 2019

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, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Distance Learning, Chief Financial Officers, Continuing Education Officers, Financial Aid Officers, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties

FROM: Jonathan R. Harris, *NCCCS General Counsel*

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

The State Board of Community Colleges (“SBCC”) has initiated the rulemaking process to amend **1D SBCCC 400.2 – Admission to Colleges**. The proposed change will allow colleges to require the Social Security Numbers of applicants as a part of the admissions process, with some exceptions.

The proposed amendment is published on the NC Community College System's website, www.nccommunitycolleges.edu/sbcccode. For your convenience, a copy of the proposed rule, with the changes indicated, is attached to this memorandum. Strikethroughs indicate deletions of existing language and underlines indicate additions of language. Please post a copy of the proposed rule 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 rule. 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 rule must be received by no later than 5:00 p.m. on 22 August 2019.** 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 7 August 2019.** Written comments and requests for hearing shall be directed to the following address: Jonathan Harris, 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.

CC19-033
E-mail Copy

Attachments



State Board of Community Colleges Code

Notice of Proposed Rulemaking Form

Date: 23 July 2019

Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed	Amend 1D SBCCC 400.2 – “Admission to Colleges”		
---	--	--	--

**Specify whether the
SBCC proposes to
adopt amend, or repeal
a rule:**

Adopt (new rule)	Amend (change existing rule)	Repeal (delete entire rule)
	X	

Rationale for proposed adoption, amendment or repeal:	Based upon General Counsel Shante' Martin's interpretation and guidance of federal and state legislation, we were notified that it is permissible to require the Social Security Numbers as a part of the admissions process with some exceptions.
--	--

Proposed Effective Date of Rule	October 1, 2019
--	-----------------

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
10 legal residents of the United States and who are either high school graduates or are
11 at least 18 years of age. Community colleges shall not solicit or use information
12 regarding the accreditation of a secondary school located in North Carolina that a
13 person attended as a factor affecting admission to the college or to any program of
14 study, loans, scholarships, or other educational activity at the community college,
15 unless the accreditation was conducted by a State agency. For purposes of this
16 Section, the term "accreditation" shall include certification or any other similar approval
17 process. Officials of each college shall perform student admission processing and
18 placement determinations. Admission requirements for an emancipated minor shall
19 be the same as for an applicant 18 years old or older. Provisions with respect to
20 admission of minors are set forth in 1D SBCCC 200.95 and 1D SBCCC 300.4.

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

- 24 (1) Community colleges shall admit an undocumented immigrant only if he or she
25 attended and graduated from a United States public high school, private high
26 school, or home school that operates in compliance with State or local law;
27 (2) When determining who is an undocumented immigrant, community colleges shall
28 use federal immigration classifications;
29 (3) Undocumented immigrants admitted under Subparagraph (b)(1) of this Rule shall
30 comply with all federal and state laws concerning financial aid;

1 (4) An undocumented immigrant admitted under Subparagraph (b)(1) of this Rule shall
2 not be considered a North Carolina resident for tuition purposes. Colleges shall
3 charge all undocumented immigrants admitted under Subparagraph (b)(1) of this
4 Rule out-of-state tuition whether or not the undocumented immigrant resides in
5 North Carolina;

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

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

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

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

29 (e) Boards of trustees may adopt policies refusing admission to any applicant if it is
30 necessary to protect the safety of the applicant or other individuals. When making a
31 safety determination, colleges may refuse admission to an applicant when there is an

1 articulable, imminent, and significant threat to the applicant or other individuals.
2 Colleges refusing admission on the basis of a safety threat shall document the
3 following:

- 4 (1) Detailed facts supporting the rationale for denying admission;
- 5 (2) The time period within which the refusal to admit shall be applicable and the
6 supporting rationale for the designated time period; and
- 7 (3) The conditions upon which the applicant that is refused would be eligible to be
8 admitted.

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

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

16 (h) Except for courses governed by subsection (c) above, if a community college has a
17 program or develops a program that requires students to possess a firearm, that board
18 of trustees shall adopt local policies requiring proof of eligibility to possess firearms to
19 be enrolled in such program. For the purposes of this Section, "firearms" shall have
20 the same definition as G.S. 14-409.39(2). For the purposes of this Section, proof of
21 eligibility shall include:

- 22 (1) Any current, valid State-issued permit to purchase a firearm;
- 23 (2) A current, valid State-issued concealed carry permit from North Carolina;
- 24 (3) A current, valid State-issued concealed carry permit from a state with a reciprocal
concealed carry agreement with North Carolina;
- 25 (4) Proof of an exemption from permit requirements pursuant to G.S. 14-415.25; or
- 26 (5) A background check that is determined by the college. The sole purpose of the
background check shall be to determine whether an applicant can lawfully possess
a firearm in North Carolina pursuant to G.S. 14-269.8, G.S. 14-404(c), G.S. 14-
415.1, G.S. 14-415.3, and G.S. 14-415.25.

1 (i) Boards of trustees may adopt policies refusing admission to any applicant who refuses
2 to provide a social security number during admission and enrollment processing
3 except for the following applicants:
4 (1) Students taking courses for which no academic credit is offered;
5 (2) Nonresident alien students;
6 (3) Students whose qualified tuition and related expenses are entirely waived or paid
7 entirely with scholarships; and
8 (4) Students for whom the community college does not maintain a separate financial
9 account and whose qualified tuition and related expenses are covered by a formal
10 billing arrangement between the community college and the student's employer or a
11 governmental entity.

12

13 *History Note: Authority G.S. 115D-1; 115D-5; 115D-20;*
14 *Eff. February 1, 1976;*
15 *Amended Eff. _____; November 1, 2017; March 1, 2016;*
16 *November 1, 2014; July 10, 2010; January 1, 2006; January 1, 1996;*
17 *September 1, 1993; January 1, 1987; May 1, 1982.*