

STATE BOARD OF COMMUNITY COLLEGES
Public Comments

Proposed Amendment of “1D SBCCC 400.2 – Admission to Colleges”
Comment Period Ending 18 September 2014

	Page and Line Number	Public Comment	System Office Recommendation
1.	Page 2, line 28	Students are admitted to college but students enroll in courses. Commenter suggested amending to say “admission . . . to any distance education program” or “enrollment . . . in any distance education course.”	“Boards of trustees may adopt policies refusing admission to any applicant who is not a resident of North Carolina who seeks admission to 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.”





1 **STATE BOARD OF COMMUNITY COLLEGES CODE**

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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 1D SBCCC 200.95 and 1D SBCCC 300.99.

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.

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