



STATE BOARD OF COMMUNITY COLLEGES
Public Comments

Proposed Amendment of 1D SBCCC 400.2 – “Admission to Colleges”
Comment Period Ending 6 January 2016

	Page and Line Number	Commenter	Public Comment	System Office Recommendation
1.	Page 3, lines 6-8	Central Piedmont CC	<p>A college has a concealed training program where the student goes to a gun range to practice shooting. Is the college required to develop a policy?</p> <p>(General Counsel spoke with the commenter, and the commenter explained that students are encouraged to go to the gun range to practice shooting, but is not required to do so as part of the course.)</p>	NO MODIFICATION - The college is not required to have a policy if the college does not require the student to go to the gun range.
2.	Page 3, lines 6-7	Blue Ridge CC	<p>What is the State Board of Community Colleges’ interpretation of “possess” a firearm? The BLET training has firearms training and students use the college’s firearms while on the range in a controlled environment (off campus) and with a certified instructor overseeing the training. The student does not leave the training site with a firearm and does not have a firearm on their person at any other time.</p> <p>If BLET is included in the interpretation/rule of "possess" then the proof of eligibility is in question. A student may enroll in a BLET training at the age of 20 which means the student does not meet the age requirement for a state issued permit to purchase a firearm or a concealed carry permit.</p>	NO MODIFICATION – On Page 3, Lines 6 and 8, “possess” has its ordinary meaning as defined in the dictionary – “to have or to hold.” Since the word has its ordinary dictionary meaning, the System Office does not recommend that a definition be provided. However, if the Board thinks that a definition is warranted, the System Office suggests that language be added to include “to have or to hold” as the definition for “possess.”
3.	Page 3, lines 16-19	Blue Ridge CC	<p>The college cannot perform a full background check on a BLET student like a law enforcement may run on a student. The college does not require sponsorship so a law enforcement agency conducting background checks for every student is not an option. However, the college does require certain documents that a student may provide to verify no criminal history that would prevent enrollment based on the</p>	

**Attachment POL 3
(Revised 1/14/2016)**

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			<p>Criminal Justice Training and Standards BLET administrative code.</p> <p>(General Counsel spoke with the commenter from Blue Ridge Community College to clarify some of their questions. From that conversation, Blue Ridge CC recommended that on Page 3, Line 16, the word, “authorized” be changed to “determined” to make clear that the college has the discretion to determine what type of background check it will use. Blue Ridge also recommended that the word “or” be inserted after each subsection on Page 3, Lines 11-16 to make clear that only one of the options listed on Lines 11-16 would be required.)</p>	<p>MODIFICATION REQUESTED: The System Office is fine with substituting the word, “authorized” with “determined” on Page 3, Line 16 if it would clear up any potential confusion. The System Office does not recommend adding the word, “or” after each subsection on Page 3, Lines 11-16. Rules of grammar make clear that when a list is joined by “or,” each item in the list is an alternative. The language as written makes it clear that colleges would only need to require evidence of only one of the items listed on Page 3, Lines 11-16.</p>
4.	N/A	N/A	N/A	<p>MODIFICATION REQUESTED: As a result of the questions raised about the proposed rule’s applicability to Basic Law Enforcement Training (BLET) programs, the System Office recommends that an exception for BLET programs be included in the proposed rule on Page 3, Line 7. The basis for this recommendation is that the processes in place for students to show eligibility for BLET programs satisfy all of the requirements of the proposed rule.</p>

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				As such, colleges who have BLET programs, but no other program that requires the possession of a firearm, would not have to develop a policy that would be duplicative of the processes they already have in place for admission to BLET programs under 1D SBCCC 400.2(c).



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.*