



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**  
**Dr. R. Scott Ralls, President**

**REPLY TO:**  
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**IMPORTANT ADMINISTRATIVE CODE INFORMATION**

**MEMORANDUM**

**TO:** Members of the State Board of Community Colleges  
Community College Presidents and Boards of Trustees Chairs  
Community College Admissions Officers  
Community College Registrars  
Community College Business Officers  
NC Community College System Office Staff  
Other Interested Parties

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

**SUBJECT:** **Change in the Administrative Code**

The State Board of Community Colleges has completed the amendment process for 23 N.C.A.C. 02C .0301 entitled "Admission to Colleges." As such, the attached amended rule is effective. The rationale behind the rule amendment is that the State Board of Community Colleges sought to establish a policy addressing the admission of undocumented immigrants to community colleges with the limitations prescribed in 23 N.C.A.C. 02C .0301.

In implementing the provisions in 23 N.C.A.C. 02C .0301 related to undocumented immigrants, colleges should adhere to the following:

1. While the Administrative Code does not impose any specific verification obligations on community colleges for the purpose of admitting undocumented immigrants, colleges should continue to follow the admissions application review process prescribed by their college.

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2. Any undocumented student registered into a class is required to pay the out-of-state tuition rate, which is set at \$248.50 per credit hour for the 2010-2011 academic year.
3. In implementing the priority provision in 23 N.C.A.C. 02C .0301(b)(6), community colleges are responsible for ensuring that a student who is lawfully present in the United States will always have priority for a space in a class or program of study over a student who is not lawfully present in the United States, if there are space limitations. As such, colleges should neither enroll undocumented students into a class or program of study for which there are waiting lists, nor should colleges register undocumented students for classes until the conclusion of the last published (i.e. late) registration period.
4. For the purposes of 23 N.C.A.C. 02C .0301(b)(6), undocumented immigrants with a General Educational Development (GED) Diploma are not considered to have “graduated from a United States public high school, private high school, or home school” and therefore are not eligible to be admitted to a community college.
5. Colleges cannot add school accreditation as an additional criterion for undocumented immigrants’ admission to the college. The Administrative Code provides that “[c]ommunity 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.” 23 N.C.A.C. 02C.0301(b)(1). Thus, because the Administrative Code does not require that the high school from which an undocumented immigrant attends and graduates be accredited, colleges are not permitted to add school accreditation as an additional requirement.
6. An undocumented immigrant with a diploma from an Adult High School that is located in the United States and operates or operated in compliance with State or local law is eligible to be admitted to a community college.

For your convenience, a copy of the rule is attached to this memorandum. Please be sure to share this change in the Administrative Code with all those affected.

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QSM/caa  
Attachment

### **23 NCAC 02C .0301 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 who are at least 18 years of age. 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 Rule .0305 of this Section.

(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.

~~(b)(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.

~~(c)(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.

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

*Eff. February 1, 1976;*

*Amended Eff. July 10, 2010; January 1, 2006; January 1, 1996; September 1, 1993; 1993.*

*; January 1, 1987; May 1, 1982.*