

NUMBERED MEMO CC24-038

TO: Members of the State Board of Community Colleges, Chairs of the Community College Boards of Trustees, Community College Presidents, Chief Academic Officers, Chief Admissions Officers, Basic Skills Directors, Business Officers, Continuing Education Officers, Customized Training Directors, Chief Financial Officers, Financial Aid Officers, Personnel Directors, Student Development Administrators, Public Information Officers, Registrars, & Other Interested Parties

FROM: Jonnell Carpenter, *NCCCS General Counsel*

SUBJECT: Notice of Public Hearing- Proposed Amendment to 1D SBCCC 400.2 – Admission to Colleges

DATE: August 12, 2024

On July 19, 2024, the State Board of Community Colleges initiated the rulemaking process to amend **1D SBCCC 400.2 – Admission to Colleges**. A public hearing will be held on this proposed amendment from **10:00 a.m. – 12:00 p.m. on Thursday, August 22, 2024** at the following location:

**NC Community College System
200 W. Jones Street
Raleigh, NC 27603**

Oral Comments: All persons desiring to provide an oral comment must be physically present and will be required to sign in, and provide their name, affiliation, city and state prior to speaking. Sign-in will begin fifteen (15) minutes prior to the start of the public hearing. Oral comments will be limited to **three (3) minutes** per person. The Hearing Officer requests that any person desiring to make an oral presentation at the public hearing present a written copy of the presentation at registration.

Written Comments: Any member of the public has the right to submit written comments on the proposed rule. Please note that any person who submits public comments 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 Thursday, August 22, 2024** to be considered.

Written comments shall be directed to the following address:

Jonnell Carpenter, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to publiccomments@nccommunitycolleges.edu.

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 to existing language. Thank you for your attention to this matter.

CC24-038

E-mail Copy
Attachments

NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

NOTICE OF PUBLIC HEARING

The State Board of Community colleges has initiated the permanent rule-making process to amend 1D SBCCC 400.2 – Admission to Colleges. Please note that a **public hearing** on this Rule will be from **10:00 a.m. – 12:00 p.m. on Thursday, August 22, 2024** at the following location:

**NC Community Colleges System Office
Caswell Building
200 West Jones Street
Raleigh, NC 27603**

Oral Comments: All persons desiring to provide an oral comment must be physically present and will be required to sign in, and provide their name, affiliation, city and state prior to speaking. Sign-in will begin fifteen (15) minutes prior to the start of the public hearing. Oral comments will be limited to **three (3) minutes** per person. The Hearing Officer requests that any person desiring to make an oral presentation at the public hearing present a written copy of the presentation at registration.

The meeting will be livestreamed on the [N.C. Community College System Office YouTube channel](#).

All comments received during the public hearing or during the written comment period will be considered in the final determination on the rule.



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 earned a High School Equivalency Diploma, or attended and graduated from a
26 United States public high school, Adult High School, private high school, or home
27 school that operates in compliance with State or local law;

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

30 (3) Undocumented immigrants admitted under Subparagraph (b)(1) of this Rule shall
31 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 articulare, 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
25 concealed carry agreement with North Carolina;

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

27 (5) A background check that is determined by the college. The sole purpose of the
28 background check shall be to determine whether an applicant can lawfully possess
29 a firearm in North Carolina pursuant to G.S. 14-269.8, G.S. 14-404(c), G.S. 14-
30 415.1, 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. _____, [December 1, 2019](#); [November 1, 2017](#);*

16 *[March 1, 2016](#); [November 1, 2014](#); July 10, 2010; January 1, 2006;*

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