

**NUMBERED MEMO CC24-035**

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

**DATE:** July 23, 2024

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On July 19, 2024, the State Board of Community Colleges initiated the rulemaking process to amend **1D SBCCC 400.2 – Admission to Colleges**. The proposed amendment would open enrollment to undocumented immigrants who have already completed an Adult High School or High School Equivalency Diploma. The proposed amendment is published on the NC Community College System's website, [Numbered Memos - NCCCS \(ncccommunitycolleges.edu\)](https://ncccommunitycolleges.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 of language.

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 August 22, 2024.** Any member of the public has the right to request a hearing on the proposed rule. **Requests for a hearing must be received by no later than 5:00 p.m. on August 7, 2024.**

Written comments and requests for hearing shall be directed to the following address: Jonnell Carpenter, 5001 Mail Service Center, Raleigh, NC 27699-5001 or by email to [publiccomments@nccommunitycolleges.edu](mailto:publiccomments@nccommunitycolleges.edu). Thank you for your attention to this matter.

CC24-035

E-mail Copy  
Attachments



# State Board of Community Colleges Code

## Petition for Rulemaking Form

Date: July 23, 2024

<b>Title, Chapter, Subchapter, and Rule Number of Rule Proposed to be Adopted, Amended, or Repealed</b>	Amend 1D SBCCC 400.2 – Admission to Colleges
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**Specify whether the SBCC proposes to amend, adopt, or repeal a rule:**

<b>Adopt</b> (new rule)	<b>Amend</b> (change existing rule)	<b>Repeal</b> (delete entire rule)
	X	

<b>Rationale for proposed adoption, amendment, or repeal:</b>	The proposed amendment would open enrollment to undocumented immigrants who have already earned a High School Equivalency Diploma or an Adult High School Diploma.
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<b>Proposed Effective Date of Rule</b>	October 1, 2024
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1D SBCCC 400.2 is proposed for amendment as follows:



**State Board of Community Colleges Code**

**TITLE 1. COMMUNITY COLLEGES**

**CHAPTER D. EDUCATION PROGRAMS**

**SUBCHAPTER 400. CURRICULUM**

**1D SBCCC 400.2 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 are at least 18 years of age. Community colleges shall not solicit or use information regarding the accreditation of a secondary school located in North Carolina that a person attended as a factor affecting admission to the college or to any program of study, loans, scholarships, or other educational activity at the community college, unless the accreditation was conducted by a State agency. For purposes of this Section, the term "accreditation" shall include certification or any other similar approval process. Officials of each college shall perform student admission processing and placement determinations. 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 1D SBCCC 200.95 and 1D SBCCC 300.4.
- (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 earned a High School Equivalency Diploma, or attended and graduated from a United States public high school, Adult 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 shall 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. Colleges shall charge all undocumented immigrants admitted under Subparagraph (b)(1) of this Rule out-of-state tuition whether or not the undocumented immigrant resides 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.
- (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.
- (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.
- (e) Boards of trustees may adopt policies refusing admission to any applicant if it is necessary to protect the safety of the applicant or other individuals. When making a safety determination, colleges may refuse admission to an applicant when there is an

1 articutable, 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.

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

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

*Eff. February 1, 1976;*

*Amended Eff. \_\_\_\_\_, [December 1, 2019](#); [November 1, 2017](#);*

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

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