



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

H. Martin Lancaster, President

November 7, 2007

IMPORTANT INFORMATION

MEMORANDUM

TO: Presidents
VP/Deans of Instruction
VP/Deans of Student Development
VP/Deans of Continuing Education
Admissions Officers
Registrars

FROM: David J. Sullivan

SUBJECT: NEW GUIDANCE ON THE ADMISSION OF UNDOCUMENTED INDIVIDUALS

The System Office's guidance regarding the admission of undocumented individuals, as provided in CC04-171, has been found to be inconsistent with the N.C. Administrative Code. Accordingly, CC04-171 is hereby specifically superseded.

CC04-171 is inconsistent with the N.C. Administrative Code in that the Code requires colleges to "maintain an open-door admission policy to **all applicants** who are high school graduates or who are at least 18 years of age." 23 NCAC 02C .0301 (emphasis added). A 1997 advisory opinion of the Attorney General interprets this regulation, in concert with other statutes and regulations, as one which denies colleges the authority to "impose nonacademic requirements on admissions to it programs." Since CC04-171 permits local Boards of Trustees to establish policies which exclude some applicants who are either "high school graduates or who are at least 18 years of age" based upon "nonacademic requirements", namely the student's immigration status, CC04-171 is an incorrect interpretation of the State Board's regulations.

To comply with the State Board's regulation requiring an open-door admission policy to "all applicants" and notwithstanding any policy of the local board, **colleges should immediately begin admitting undocumented individuals.** Please know that undocumented individuals must be assessed tuition as "out-of-state" residents, subject to any tuition waivers granted by the General Assembly. For example, students enrolled in Learn and Earn programs enjoy a tuition waiver regardless of whether they are technically in-state or out-of-state.

Should you have any questions regarding this guidance, please feel free to contact me at 919-807-6961.

CC 07-275
E-mail and Paper Copies

DJS/may