

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 362**

Short Title: Access to Higher Education. (Public)

Sponsors: Representatives Harrison, Luebke, Glazier, Insko (Primary Sponsors);  
M. Alexander, Fisher, Hall, Mackey, Weiss, and Womble.

Referred to: Education, if favorable, Judiciary II.

March 3, 2009

A BILL TO BE ENTITLED  
AN ACT TO PREVENT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF  
NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES  
FROM SOLICITING INFORMATION REGARDING THE IMMIGRATION STATUS  
OF PROSPECTIVE STUDENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 15D-5(a) reads as rewritten:

"(a) The State Board of Community Colleges may adopt and execute such policies, regulations and standards concerning the establishment, administration, and operation of institutions as the State Board may deem necessary to insure the quality of educational programs, to promote the systematic meeting of educational needs of the State, and to provide for the equitable distribution of State and federal funds to the several institutions.

The State Board of Community Colleges shall establish standards and scales for salaries and allotments paid from funds administered by the State Board, and all employees of the institutions shall be exempt from the provisions of the State Personnel Act. The State Board shall have authority with respect to individual institutions: to approve sites, capital improvement projects, budgets; to approve the selection of the chief administrative officer; to establish and administer standards for professional personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas, and certificates; to establish and regulate student tuition and fees within policies for tuition and fees established by the General Assembly; and to establish and regulate financial accounting procedures.

The State Board of Community Colleges shall require all community colleges to meet the faculty credential requirements of the Southern Association of Colleges and Schools for all community college programs.

The State Board of Community Colleges shall not adopt any admissions requirement for any community college relating to a person's immigration status, except as otherwise required by federal law. Nothing in this section prohibits a community college from requiring noncitizen students to pay out-of-state tuition."

**SECTION 2.** G.S. 115D-20(4) reads as rewritten:

"(4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Provided, notwithstanding any law or administrative rule to the contrary, local administrative boards and local school boards may establish cooperative programs in the areas they serve to provide for college courses to be offered to qualified high school students with college credits to be awarded to those high school students upon the successful completion of the



1 courses. Provided, further, that during the summer quarter, persons less than  
2 16 years old may be permitted to take noncredit courses on a self-supporting  
3 basis, subject to rules of the State Board of Community Colleges. A local  
4 administrative board shall not adopt any admissions requirement for any  
5 community college relating to a person's immigration status, except as  
6 otherwise required by federal law. Nothing in this section prohibits a  
7 community college from requiring noncitizen students to pay out-of-state  
8 tuition."

9 **SECTION 3.** G.S. 116-11 is amended by adding a new subdivision to read:

10 "(8b) The Board of Governors shall not adopt any admissions requirement for any  
11 constituent institution in The University of North Carolina relating to a  
12 person's immigration status, except as otherwise required by federal law.  
13 Nothing in this section prohibits the Board of Governors from requiring  
14 noncitizen students to pay out-of-state tuition."

15 **SECTION 4.** This act becomes effective October 1, 2009.