

Task 3.1: Compendium Appendix

Documentation Relating to the Admission of Undocumented Students to North Carolina Community Colleges

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**Section 411(c) of the Personal Responsibility and
Work Opportunity Reconciliation Act of 1996
(8 USC 1621)**

From the U.S. Code Online via GPO Access
[www.gpoaccess.gov]
[Laws in effect as of January 3, 2007]
[CITE: 8USC1621]

TITLE 8--ALIENS AND NATIONALITY

CHAPTER 14--RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

SUBCHAPTER II--ELIGIBILITY FOR STATE AND LOCAL PUBLIC BENEFITS PROGRAMS

Sec. 1621. Aliens who are not qualified aliens or nonimmigrants
ineligible for State and local public benefits

(a) In general

Notwithstanding any other provision of law and except as provided in subsections (b) and (d) of this section, an alien who is not--

- (1) a qualified alien (as defined in section 1641 of this title),
- (2) a nonimmigrant under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], or
- (3) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 1182(d)(5)] for less than one year,

is not eligible for any State or local public benefit (as defined in subsection (c) of this section).

(b) Exceptions

Subsection (a) of this section shall not apply with respect to the following State or local public benefits:

- (1) Assistance for health care items and services that are necessary for the treatment of an emergency medical condition (as defined in section 1396b(v)(3) of title 42) of the alien involved and are not related to an organ transplant procedure.
- (2) Short-term, non-cash, in-kind emergency disaster relief.
- (3) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.
- (4) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(c) ``State or local public benefit'' defined

(1) Except as provided in paragraphs (2) and (3), for purposes of this subchapter the term ``State or local public benefit'' means--

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

(2) Such term shall not apply--

(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States, or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect;

(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Secretary of State, after consultation with the Attorney General; or

(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States.

(3) Such term does not include any Federal public benefit under section 1611(c) of this title.

(d) State authority to provide for eligibility of illegal aliens for State and local public benefits

A State may provide that an alien who is not lawfully present in the United States is eligible for any State or local public benefit for which such alien would otherwise be ineligible under subsection (a) of this section only through the enactment of a State law after August 22, 1996, which affirmatively provides for such eligibility.

(Pub. L. 104-193, title IV, Sec. 411, Aug. 22, 1996, 110 Stat. 2268; Pub. L. 105-33, title V, Secs. 5565, 5581(b)(1), Aug. 5, 1997, 111 Stat. 639, 642; Pub. L. 105-306, Sec. 5(b), Oct. 28, 1998, 112 Stat. 2927.)

References in Text

The Immigration and Nationality Act, referred to in subsecs. (a)(2) and (c)(2)(B), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (Sec. 1101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

Section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658, referred to in subsec. (c)(2)(A), means section 141 of the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99-239, set out as a note under section 1901 of Title 48, Territories and Insular Possessions, and section 141 of the Compact of Free Association between the United States and the Government of Palau,

which is contained in section 201 of Pub. L. 99-658, set out as a note under section 1931 of Title 48.

Amendments

1998--Subsec. (c)(2)(C). Pub. L. 105-306 added subpar. (C).

1997--Subsec. (c)(2)(A). Pub. L. 105-33, Sec. 5565, inserted before semicolon ``', or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect''.

Subsec. (c)(3). Pub. L. 105-33, Sec. 5581(b)(1), made technical amendment to reference in original act which appears in text as reference to section 1611(c) of this title.

Effective Date of 1997 Amendment

Amendment by Pub. L. 105-33 effective as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, see section 5582 of Pub. L. 105-33, set out as a note under section 1367 of this title.

Pilot Programs on Limiting Issuance of Driver's License to Illegal Aliens

Pub. L. 104-208, div. C, title V, Sec. 502, Sept. 30, 1996, 110 Stat. 3009-671, provided that:

``(a) In General.--Pursuant to guidelines prescribed by the Attorney General not later than 6 months after the date of the enactment of this Act [Sept. 30, 1996], all States may conduct pilot programs within their State to determine the viability, advisability, and cost-effectiveness of the State's denying driver's licenses to aliens who are not lawfully present in the United States. Under a pilot program a State may deny a driver's license to aliens who are not lawfully present in the United States. Such program shall be conducted in cooperation with relevant State and local authorities.

``(b) Report.--Not later than 3 years after the date of the enactment of this Act, the Attorney General shall submit a report to the Judiciary Committees of the House of Representatives and of the Senate on the results of the pilot programs conducted under subsection (a).''

**Section 591 of the Illegal Immigration Reform
and Immigrant Responsibility Act of 1996**
(8 USC 1623)

From the U.S. Code Online via GPO Access
[www.gpoaccess.gov]
[Laws in effect as of January 3, 2007]
[CITE: 8USC1623]

TITLE 8--ALIENS AND NATIONALITY

CHAPTER 14--RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

SUBCHAPTER II--ELIGIBILITY FOR STATE AND LOCAL PUBLIC BENEFITS PROGRAMS

Sec. 1623. Limitation on eligibility for preferential treatment
of aliens not lawfully present on basis of residence for higher
education benefits

(a) In general

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

(b) Effective date

This section shall apply to benefits provided on or after July 1, 1998.

(Pub. L. 104-208, div. C, title V, Sec. 505, Sept. 30, 1996, 110 Stat. 3009-672.)

Codification

Section was enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which comprises this chapter.

North Carolina Open Door Policy
(23 NCAC 02C.0301)

SECTION .0300 – STUDENTS**23 NCAC 02C .0301 ADMISSION TO COLLEGES**

(a) Each college shall maintain an open-door admission policy to all applicants who are 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) 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) 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. January 1, 2006; January 1, 1996; September 1, 1993; January 1, 1987; May 1, 1982.

**December 21, 2001 Memo to Community College
Instructional Officers; Community College
Student Development Administrators from Clay
T. Hines, Assistant to the President for Legal
Affairs (CC01-271)**



MEMORANDUM

DATE: December 21, 2001

TO: Community College Instructional Officers
Community College Student Development Administrators

FROM: Clay T. Hines;
Assistant to the President for Legal Affairs

SUBJECT: Admission or Enrollment of Undocumented or Illegal Aliens

This memorandum is intended to provide guidance to college administrators concerning admission or enrollment of undocumented or illegal aliens in programs or courses at community colleges.

Federal Law, 8 USC Section 1621 makes most undocumented or illegal aliens ineligible for most state or local public benefits. Post secondary education is one of those benefits that undocumented or illegal aliens are not eligible to receive. Federal Law, 8 USC Section 1641 makes an exception for some illegal aliens who have been subjected to extreme cruelty or battered and who meet other conditions set forth in this section. Any undocumented or illegal aliens who are eligible to receive post secondary education (other than high school students taking Huskins or concurrent enrollment courses) should have written documentation of their eligibility based on one of the exceptions set forth in Federal Law, 8 USC Section 1641.

Therefore, colleges should admit or enroll undocumented or illegal aliens only as follows:

1. Undocumented or illegal aliens who are high school students may enroll in college level courses consistent with the concurrent enrollment policy and the cooperative program agreement (Huskins Bill courses) policy. Undocumented or illegal aliens may take college level courses pursuant to these policies because eligibility for participation in these programs is not based on legal residence but on attendance in a North Carolina high school. These courses are open to all high school students attending a high school (public, private, or home school) located in the State who meet the eligibility criteria. This position appears to be consistent with the federal policy regulating provision of state or local public benefits to undocumented or illegal aliens.
2. Undocumented or illegal aliens may enroll in non-college level courses or programs including GED preparation courses, Adult Basic Education, Adult High School, English as a Second Language and other continuing education courses less than college level. These courses do not appear to violate the general prohibition against providing post-secondary education to undocumented or illegal aliens.

3. Undocumented or battered illegal aliens who have been determined to meet one of the qualifying conditions set forth in Federal Law, 8 USC Section 1641 are eligible for college level courses. It is the applicant's responsibility to produce sufficient documentation to satisfy the college that the applicant is eligible for post secondary education benefits.

cc: Dr. Stephen C. Scott
Dr. Delores Parker
Mr. Ken Whitehurst
Community College Presidents

CC01-271
Paper Copy

North Carolina Senate Bill 982

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

D

SENATE DRS85181-LH-99 (3/6)

Short Title:	Tuition/Out-of-Country Nonresidents.	(Public)
Sponsors:	Senator Brock.	
Referred to:	_____	

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS TO ESTABLISH OUT-OF-COUNTRY
NONRESIDENT TUITION AND TO PROVIDE THAT THE TUITION RATE MUST BE SET AT
AN AMOUNT EQUAL TO AT LEAST TWO HUNDRED PERCENT OF THE ACADEMIC COST
TO THE STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-144 reads as rewritten:

"§ 116-144. Higher tuition to be charged ~~nonresidents~~.nonresidents; out-of-country nonresident tuition rate.

(a) The Board of Governors shall fix the tuition and required fees charged citizens of the United States who are nonresidents of North Carolina who attend the institutions enumerated in G.S. 116-4 at rates higher than the rates charged residents of North Carolina and comparable to the rates charged nonresident students by comparable public institutions nationwide, except that a person who serves as a graduate teaching assistant or graduate research assistant or in a similar instructional or research assignment and is at the same time enrolled as a graduate student in the same institution may, in the discretion of the Board of Governors, be charged a lower rate fixed by the Board, provided the rate is not lower than the North Carolina resident rate.

(b) The Board of Governors shall fix the tuition and required fees charged nonresidents of the United States who attend the institutions enumerated in G.S. 116-4 at rates higher than the rates charged residents of North Carolina. The Board of Governors shall establish an out-of-country nonresident tuition rate and shall set that rate at an amount equal to at least two hundred percent (200%) of the academic costs to the State. However, a person who serves as a graduate teaching assistant or graduate research assistant or in a similar instructional or research assignment and is at the same time enrolled as a graduate student in the same institution may, in the discretion of the Board of Governors, be charged a lower rate fixed by the Board, provided the rate is not lower than the North Carolina resident rate. For purposes of this subsection, the term "academic costs" means the average general and educational costs incurred by the constituent institution in its General Fund Budget Code."

SECTION 2. This act is effective when it becomes law and applies to academic periods beginning on or after July 1, 2003.



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Next: S983 >>

Senate Bill 982

2003-2004 Session

Tuition/Out-of-Country Nonresidents.

Text	Fiscal Note
Filed [PDF]	-
Edition 1 [PDF]	-

Status: [S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget on 04/03/2003

Sponsors
Primary: Andrew C. Brock;
Co: R. B. Sloan, Jr.; Hugh Webster;

Attributes: Public;

History

Date	Action
04/02/2003	[S] Filed
04/03/2003	[S] Ref to Education/Higher Education. If fav, re-ref to Appropriations/Base Budget

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

Abbreviations Key

- H = House Action
- S = Senate Action
- R = Ratified
- HF = Failed in the House
- SF = Failed in the Senate
- HA = Adopted in the House
- SA = Adopted in the Senate

2003-2004 Session

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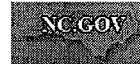
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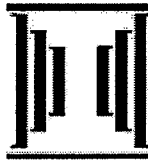
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**August 10, 2004 Memo to Presidents, VP/Deans
of Instruction, VP/Deans of Student
Development, VP/Deans of Continuing
Education, and Admissions Officers from David
Sullivan, Assistant to the President for Legal
Affairs (CC04-164)**



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

H. Martin Lancaster, President

Date: August 10, 2004

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

From: David Sullivan
Assistant to the President for Legal Affairs

Subject: Admission or Enrollment of Undocumented Nonimmigrant Applicants

This memorandum is intended to provide guidance to college administrators concerning admission or enrollment of undocumented nonimmigrant applicants in college level, continuing education and basic skills programs or courses at North Carolina Community Colleges. The information within this memorandum supersedes CC01-271 issued December 21, 2001.

Based upon further clarification of federal statutes that regulate provision of state or local public benefits to undocumented or illegal aliens, local community colleges have the discretion to implement admissions policies that permit the enrollment of undocumented nonimmigrant applicants in curriculum, continuing education and basic skills programs. Undocumented nonimmigrant applicants do not qualify for in-State residency for tuition and shall be charged at the out-of-state tuition rate for curriculum programs.

Nothing in this memorandum shall be interpreted as **requiring** a community college to admit undocumented nonimmigrant applicants. Nonimmigrant admissions shall be at the discretion of the local institution as long as the policies and practices are consistent with provisions of federal and state laws and regulations in Title 23 of the North Carolina Administrative Code.

If I can be of further assistance, please contact me at (919) 807-6961 or sullivand@ncccs.cc.nc.us.

c: Mr. H. Martin Lancaster
Mr. Fred Williams
Dr. Delores A. Parker
Dr. Larry Keen
Dr. Randy Whitfield
Mr. Ken Whitehurst

CC04-164
Email

**August 13, 2004 Memo to Presidents, VP/Deans
of Instruction, VP/Deans of Student
Development, VP/Deans of Continuing
Education, and Admissions Officers from David
Sullivan, Assistant to the President for Legal
Affairs (CC04-171)**



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

H. Martin Lancaster, President

Date: August 13, 2004

IMPORTANT INFORMATION

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

From: David Sullivan
Assistant to the President for Legal Affairs

Subject: Admission or Enrollment of Undocumented Immigrant Applicants (Revised)

This memorandum is intended to provide guidance to college administrators concerning admission or enrollment of undocumented immigrant applicants in college level, continuing education and basic skills programs or courses at North Carolina Community Colleges. **The information within this memorandum supersedes CC01-271 issued December 21, 2001 and CC04-164 issued August 10, 2004.**

Based upon further clarification of federal statutes that regulate provision of state or local public benefits to undocumented or illegal aliens, local community colleges have the discretion to implement admissions policies that permit the enrollment of undocumented immigrant applicants to curriculum, continuing education and basic skills programs. Undocumented immigrant applicants do not qualify for in-State residency for tuition and shall be charged at the out-of-state tuition rate for curriculum programs.

Nothing in this memorandum shall be interpreted as **requiring** a community college to admit undocumented immigrant applicants. Undocumented immigrant admissions shall be at the discretion of the local institution as long as the policies and practices are consistent with provisions of federal and state laws and regulations in Title 23 of the North Carolina Administrative Code.

For further assistance, please contact me at (919) 807-6961 or sullivan.d@ncccs.cc.nc.us.

c: Mr. H. Martin Lancaster
Mr. Fred Williams
Dr. Delores A. Parker
Dr. Larry Keen
Dr. Randy Whitfield
Mr. Ken Whitehurst

CC04-171
Email

North Carolina House Bill 1183

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 1183

Short Title: Access To Higher Ed. & A Better Econ. Future. (Public)

Sponsors: Representatives Glazier, Luebke, Barnhart, Sauls (Primary Sponsors); Alexander, B. Allen, Carney, Coleman, England, Faison, Fisher, Hackney, Harrison, Insko, Jeffus, Lucas, McLawhorn, Michaux, Miller, Owens, Parmon, Pate, Pierce, Rapp, Ray, Ross, Tolson, Tucker, Vinson, Wainwright, Weiss, Wilkins, Wilson, Womble, Wright, and Yongue.

Referred to: Education.

April 12, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO MEETS CERTAIN QUALIFICATIONS SHALL BE ACCORDED RESIDENT TUITION STATUS IF THE PERSON ENROLLS AS A STUDENT IN A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.1 is amended by adding a new subsection to read:

"(m) Notwithstanding other provisions of this section, a person, other than a nonimmigrant alien within the meaning of 8 U.S.C.A. § 1101(a)(15), who meets all of the qualifications set out in subdivisions (1) through (4) of this subsection shall be accorded resident tuition status. The student information obtained in the implementation of this subsection is confidential.

(1) The person received a high school diploma from a secondary or high school within North Carolina.

(2) The person attended North Carolina schools for a minimum of four consecutive years immediately prior to high school graduation.

(3) If the person does not have lawful immigration status, then the person shall also file an affidavit with the constituent institution to which the person is enrolled stating that the person has filed an application to legalize his or her immigration status or will file an application as soon as he or she is eligible to do so.

(4) The person satisfies the admission standards for the constituent institution to which the person applied and has secured admission and enrolled as a student at the constituent institution."

1 **SECTION 2.** This act is effective when it becomes law and applies to the
2 2006-2007 academic year and each subsequent academic year.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

D

HOUSE DRH60324-LH-108 (03/03)

Short Title:	<u>Access To Higher Ed. & A Better Econ. Future.</u>	(Public)
Sponsors:	<u>Representatives Glazier, Luebke, Barnhart, and Sauls</u>	(Primary Sponsors).
<hr/>		
Referred to:	<hr/>	

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO MEETS CERTAIN QUALIFICATIONS SHALL BE ACCORDED RESIDENT TUITION STATUS IF THE PERSON ENROLLS AS A STUDENT IN A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.1 is amended by adding a new subsection to read:

"(m) Notwithstanding other provisions of this section, a person, other than a nonimmigrant alien within the meaning of 8 U.S.C.A. § 1101(a)(15), who meets all of the qualifications set out in subdivisions (1) through (4) of this subsection shall be accorded resident tuition status. The student information obtained in the implementation of this subsection is confidential.

- (1) The person received a high school diploma from a secondary or high school within North Carolina.
- (2) The person attended North Carolina schools for a minimum of four consecutive years immediately prior to high school graduation.
- (3) If the person does not have lawful immigration status, then the person shall also file an affidavit with the constituent institution to which the person is enrolled stating that the person has filed an application to legalize his or her immigration status or will file an application as soon as he or she is eligible to do so.
- (4) The person satisfies the admission standards for the constituent institution to which the person applied and has secured admission and enrolled as a student at the constituent institution."

SECTION 2. This act is effective when it becomes law and applies to the 2006-2007 academic year and each subsequent academic year.

<< Previous: H1182

Next: H1184 >>

HOUSE BILL 1183

2005-2006 Session

ACCESS TO HIGHER ED. & A BETTER ECON. FUTURE.

Text	Fiscal Note
Filed [PDF]	-
Edition 1 [PDF]	-


Status: [H] Ref To Com On Education on 04/12/2005

Sponsors

Primary: Glazier; Luebke; Barnhart; Sauls;

Co: Alexander; B. Allen; Carney; Faison; Fisher; Hackney; Harrison; Insko; Jeffus; Lucas; Michaux; Miller; Owens; Parmon; Ross; Tucker; Vinson; Wainwright; Weiss; Wilkins; Womble; Wright;

Attributes: Public;

History 	
Date	Action
04/11/2005	[H] Filed
04/12/2005	[H] Ref To Com On Education

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

Abbreviations Key

- **H** = House Action
- **S** = Senate Action
- **R** = Ratified
- **HF** = Failed in the House
- **SF** = Failed in the Senate
- **HA** = Adopted in the House
- **SA** = Adopted in the Senate

**Carla DePriest et al., Undocumented Immigrants
in the Community College System: Questions of
Access and Tuition**

Ken Whitehurst
Associate Vice President,
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May 2, 2007

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To: Ken Whitehurst, Associate Vice President, Academic & Student Services, North Carolina Community College System, 5016 Mail Service Center, Raleigh, NC 27699-5016

Enclosed please find our report, "Undocumented Immigrants in the Community College System: Questions of Access and Tuition." It has been a privilege and a pleasure to work with you this semester. Over the course of our time on the project, we have been fortunate to have the opportunity to speak with numerous impressive individuals and continually learn a great deal about this issue. You have been an invaluable resource along the way and we sincerely thank you for the opportunity.

Many others are deserving of our thanks as well. Within the NCCCS, Martin Lancaster, David Sullivan, Monty Hickman and Keith Brown have provided us with valuable input. In the larger N.C. community, a number of individuals were extremely generous with their time and expertise and gave us guidance without which this report could not have come to fruition. We extend our deepest thanks to Governor Jim Hunt, Marisol Jimenez McGee, Dr. James H. Johnson, Maria Fraser-Molina, Representative Jeff Barnhart, Dr. Robert Kanoy, Leslie Winner, Dr. Axel Lluch, Jack Holtzman, Dr. Charles Clotfelter, Dr. Helen Ladd, Paula Wolf, Tania Duran-Eyre, and Don Reichard. We would also like to thank our adviser, Jim Johnson, and fellow MPP student Gretchen Walker, for shepherding us through this project.

Once again, we would like to reiterate how much we have enjoyed working with you for these past several weeks. Thank you for the opportunity.

Sincerely,

Carla L. DePriest, Emily F. Kirby, Chris Nida, and Erin K. Sullivan

Undocumented Immigrants in the Community College System: Questions of Access and Tuition

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EXECUTIVE SUMMARY ¹

How can the North Carolina Community College System uphold its mission of open access with regard to undocumented immigrants?

RECOMMENDATION

To best uphold its mission of open access with regard to undocumented immigrants, the North Carolina Community College System (NCCCS) should implement a combination of short- and long-term options. We recommend that NCCCS publicize alternative credit methods in the short term, and, in the long term, pursue a statewide admission policy (see page 15).

BACKGROUND

Currently, undocumented immigrants in North Carolina have limited access to the community college system. Only 16 of the 58 community colleges have a written policy admitting undocumented immigrants to their credit programs.² Relatively few immigrants capitalize on this opportunity; in the 2005-2006 year, system records show 340 undocumented immigrants enrolled system-wide. Per state and federal law, all undocumented immigrants pay out-of-state tuition, a rate more than six times the in-state tuition rate. Undocumented students are allowed, however, to enroll in continuing education or basic skills programs, at the out-of-state tuition rate, at each of the 58 community colleges. The majority of these undocumented students are Hispanic, reflecting North Carolina's rapidly shifting demographics (see page 1).

Though federal law guarantees public education for all students in grades K-12, regardless of immigration status, higher education remains a privilege. Current North Carolina law allows in-state tuition rates only for those that are "lawfully admitted" into the United States. The University and Community College system interpret this law

¹ *This student paper was prepared in 2007 in partial completion of the requirements for PPS 304, a course in the Masters of Public Policy Program at the Terry Sanford Institute of Public Policy at Duke University. The research, analysis, and policy alternatives and recommendations contained in this paper are the work of the student team who authored the document, and do not represent the official or unofficial views of the Terry Sanford Institute of Public Policy or of Duke University. Without the specific permission of its authors, this paper may not be used or cited for any purpose other than to inform the client organization about the subject matter. The authors relied in many instances on data provided to them by the client and related organizations and make no independent representations as to the accuracy of the data.*

² Please see Appendix J.

differently. Whereas all schools in the University system admit otherwise qualified undocumented students at the out-of-state tuition rate, the North Carolina Community College System allows for discretion at the individual school level. Eleven other states allow undocumented students to enroll in community colleges at the in-state tuition rate; these states remain compliant with federal law by basing eligibility on criteria other than residency (see page 4).

The contentious national debate on immigration serves as the backdrop for discussions regarding undocumented immigrants' access to higher education. A bill introduced in the 2005 North Carolina General Assembly, HB 1183, designed to allow undocumented students to enroll at the in-state tuition rate, was met with fierce opposition from a variety of stakeholders and died in committee. Attempts by federal legislators to reform immigration will necessarily shape the approach of North Carolina lawmakers and the current statewide political climate (see page 5).

STANDARDS FOR WEIGHING ALTERNATIVES

We recommend that NCCCS pursue strategies that meet the following five criteria (see page 6):

- *Enhance Open Access*
- *Maximize Cost Effectiveness*
- *Maximize Political Feasibility*
- *Respect NCCCS Structure*
- *Maximize Success of Implementation*

We weight the first criterion of enhancing open access as most important in our analysis. With regards to a change in tuition rates, we calculate the costs and benefits to an undocumented student based on prospective changes from out-of- to in-state tuition rates and the projected labor market returns of a community college education. A full description of this methodology can be found on page 13 and in Appendices A-D.

ALTERNATIVES

We list four alternatives that would address the issue of open access in the community college system (see page 7). These include:

- *Statewide Admissions Policy*
- *Publicize College-Credit, Self-Sustaining Classes*
- *Reduce Out-of-State Tuition Rates*
- *Lobby for New In-State Tuition Bill*

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1. POLICY QUESTION

How can the North Carolina Community College System uphold its mission of open access with regard to undocumented immigrants?

2. STATEMENT OF THE PROBLEM³

Undocumented immigrants in North Carolina have limited access to higher education. Each year, for thousands of students statewide, the North Carolina Community College System (NCCCS) is the favored point of entry for higher education. Yet of the 58 community colleges in the State, only 16 have a written policy admitting undocumented immigrants to their credit programs.⁴ In the 2005-2006 academic year, there were 340 undocumented immigrants enrolled in the community college system.⁵ As required by state law, these undocumented immigrants are enrolled at the out-of-state tuition rate. In the 2006-2007 academic year, the tuition rate for one semester with a full course load (16 hours) was \$632 at the in-state rate v. \$3,512 at the out-of-state rate.⁶ For many undocumented immigrants with limited resources, higher education is cost prohibitive.

Though undocumented immigrants of many nationalities are affected by current Community College policy, the majority of undocumented immigrants in North Carolina are Hispanic. Statewide demographics have shifted rapidly with the recent influx of Hispanic immigrants to the State; North Carolina has experienced a 390 percent increase in its Hispanic population since 1990, which is almost eight times the Hispanic growth rate nationwide.⁷ A 2006 study published by the University of North Carolina at Chapel Hill's Kenan-Flagler Business School indicates that almost half of the Hispanics residing in the State are undocumented.⁸ The changing face of North Carolina has prompted many law- and policymakers to address how best to incorporate this new population into the State economy and public institutions.

³ Information within this section of the report was culled from the sources cited and a variety of statewide stakeholders, many of whom explicitly requested not to be directly quoted. See Appendix I.

⁴ We feel an explicit written policy is the best indicator as to whether or not a community college accepts undocumented students. After extensive interviews with community college officials, it is apparent that without a written policy, institution officials have difficulty articulating their policy.

⁵ Numbers from The North Carolina Community College Systems' Office.

⁶ The North Carolina Community College System, available at:
http://www.ncccs.cc.nc.us/Stu_Dev_Services/enrollment_information.htm

⁷ Kochhar, Rakesh, Suro, Roberto, and Sonya Tafoya. *The New Latino South: The Context and Consequences of Rapid Population Growth*. Pew Hispanic Center, Washington D.C. July 2005. pg. 2.

⁸ Kasarda, John D., and James H. Johnson, Jr. *The Economic Impact of the Hispanic Population on the State of North Carolina*. Kenan-Flagler Business School: The University of North Carolina at Chapel Hill, January 2006. pg. 11.

...is often a point of contention; Hispanics account for almost sixty percent of the growth in public schools in the past decade.⁹

Along with changing demographics, North Carolina's economy is also experiencing pronounced shifts. The state economy has begun to rely less on revenue from the "Big Four" of the market: tobacco, textiles, apparel and furniture, and more on new industries like technology, pharmaceuticals, banking and tourism. Today, the Big Four collectively account for only 5-8 percent of the state economy.¹⁰ Between 2002 and 2005, textile employment dropped nearly 31 percent, apparel employment fell by 26 percent, and employment in furniture and related products dropped 12.4 percent. While the state of North Carolina is expected to add nearly 700,000 jobs by 2017, the "Big Four" is expected to continue its decline.¹¹ As blue-collar jobs in traditional manufacturing industries make way for an increasing number of white-collar jobs, higher education will become an increasingly necessary tool to remain competitive in the state economy.

A recent study by the North Carolina Commission on Workforce Development highlighted looming changes in the North Carolina economy, how those changes are affected by the State's shifting demographics, and the role of the NCCCS in this landscape. Many of the disappearing jobs in North Carolina are what the Workforce Development Commission refers to as "traditional middle jobs," which pay a living wage but require little to no training or experience beyond a high school diploma or its equivalent. These jobs are being replaced in large part by "new middle jobs," which require advanced skills beyond simply a high school education. These skills include an associate's degree or technical training that the Community College System can provide. The Workforce Development Commission projects that 13.1 percent of the new jobs created in the State in the next decade – nearly 90,000 new jobs in all – will require an associate's degree, and that at current rates, in the next decade North Carolina will have an annual shortage of nearly 19,000 workers for jobs requiring either an associate's degree or technical training.¹²

These changes in available jobs in North Carolina come at a time when the workforce is undergoing significant demographic shifts as well. More than one quarter of the State's current working age population is part of the baby boom generation and is scheduled to retire by the year 2020. Hispanics will play an important role in filling this workforce gap. North Carolina's Hispanics are nearly twice as likely to be between the ages of 18 and 34 as the State's population as a whole, and 60 percent of the State's Hispanics are male. However, North Carolina's Hispanic population is also much more likely not to have completed high school than

⁹ *Ibid.* pg. 11.

¹⁰ "Twenty Five Years Made a World of Change for Economy." *Business North Carolina*. October 2006: 14.

¹¹ The North Carolina Commission on Workforce Development. "State of the North Carolina Workforce: An Assessment of the State's Labor Force Demand and Supply, 2007-2017." Available at http://www.nccommerce.com/workforce/reports/NC_Workforce_FinalFeb07.pdf. Accessed 23 April 2007.

¹² *Ibid.*

the population as a whole. Increasing this group's educational attainment will thus be key for the success of the North Carolina economy in the years to come.¹³

Under the 1982 Supreme Court ruling in *Plyler v. Doe*, public education in the United States, grades K-12, is guaranteed to all students, regardless of immigration status. Higher education, however, remains a privilege. Federal law also mandates that if colleges and universities offer in-state tuition rates to undocumented immigrants on the basis of residency, then these institutions must offer the same rates to all potential American citizens, whether or not they are residents of the university's state.¹⁴ Federal law also constrains undocumented students' access to federal aid.

To comply with Federal law, the current North Carolina general statutes allow in-state tuition to six categories of persons, including American citizen residents and those alien-residents that are "lawfully admitted" into the United States.¹⁵ North Carolina's University and Community College systems have different interpretations of their obligations under North Carolina law to provide higher education for undocumented immigrants. All schools in the University system currently admit academically qualified undocumented students at the out-of-state tuition rate. However, the North Carolina Community College system allows for individual school discretion on admittance. The community colleges that choose to admit undocumented students to their credit programs do so at the out-of-state tuition rate.

Many stakeholders believe that the current NCCCS ad hoc admissions policy is, on its face, contrary to the NCCCS statutory mandate to provide open access. There are also questions remaining as to the legality of allowing each individual community college Board of Trustees to establish its own admissions policy. The legal argument regards the limits of the authority possessed by each local Board of Trustees under the relevant statutes and regulations, and is summarized below.¹⁶

When each individual community college Board of Trustees decides whether or not to admit undocumented immigrants at the out-of-state tuition rate, they create an additional admissions eligibility criterion over and above those required by statute or regulation. Under N.C.G.S. § 115D-5(a), the State Board of Community Colleges is authorized "to establish and administer standards for...admissions." The State Board has not established a policy requiring otherwise eligible high school students to demonstrate a specific immigration status as a criterion for admission or enrollment. An individual community college Board of Trustees is "authorized to do all things necessary and proper to organize and operate colleges consistent with the

¹³ Ibid.

¹⁴ 8 USCS § 1623

¹⁵ NC Gen Stat § 115D-39 See Appendix H for Text.

¹⁶ This legal argument was developed at length in a policy memo issued by the North Carolina Justice and Community Development Center entitled "Opening the College Door: Why the NCCCS Should Remove Access Barriers to Undocumented High School Students." Authored by Jack Holtzman, Esq., February 7, 2003, Revised February 27, 2007.

law and rules of the State Board."¹⁷ An individual Board of Trustees, however, is not legally authorized to establish its own admissions policies.

State regulations establish that "each college shall maintain an open-door admission policy to all applicants who are high school graduates or who are at least 18 years of age."¹⁸ Immigration status is not included as an admissions eligibility criterion. Furthermore, the State Board has nowhere given regulatory or statutory authority to the local Boards of Trustees to add an immigration status as an admissions criterion. Instead, each local Board of Trustees is specifically allowed only to "apply the standards and requirements for admission...of students...established by the State Board of Community Colleges."¹⁹

Ten other states allow undocumented immigrants to enter degree programs at in-state tuition rates.²⁰ The general scheme adopted by each state is to set forth general requirements for in-state tuition as follows: three years in an in-state high school, a high school diploma or GED from that state, and being domiciled in the state directly following high school graduation or directly preceding enrollment in community college. Most statutes then stipulate that an undocumented person meeting these requirements is eligible for in-state tuition if they submit an affidavit stating that they have applied for adjusted status, or will so apply upon becoming eligible to do so. Texas is the only Southern state which accords in-state rates to undocumented students. These in-state tuition laws have been legally challenged twice. In Kansas, the federal district court refused to decide on the merits, finding that the petitioner lacked standing and that the statute did not provide a legal cause of action. In California, however, a lower court decided on the merits that the statute did not violate federal law because the in-state tuition requirements were not based on legal California residency, but rather on public high school requirements and the student's most recent domicile.²¹

The issue of access to higher education for undocumented immigrants in North Carolina takes place against the politically charged backdrop of the national immigration debate. In 2005, a bipartisan group of North Carolina legislators introduced a provision entitled "Access to Higher Education and a Better Economic Future" in the state House. The bill, HB 1183, accorded in-state tuition benefits to

¹⁷ 23 N.C.A.C. 2C.0101. See Appendix H for text.

¹⁸ 23 N.C.A.C. 2C.0301(a). See Appendix H for text.

¹⁹ N.C.G.S. § 115D-20 (4) See Appendix H for text.

²⁰ California - Cal Ed Code § 68130.5(a);

Texas - Tex Educ Code § 54.052;

New York - NY CLS Educ § 6301;

Utah - Utah Code Ann § 53B-8-106,

Washington - Rev. Code Wash. (ARCW) § 28B.15.012;

Oklahoma - 20 Okl St. §3242;

Illinois - 110 ILCS 805/6-4a;

New Mexico - N.M. Stat. Ann. § 21-1-4.6;

Nebraska - R.R.S. Neb. § 85-502;

Kansas -K.S.A. § 71-407.

²¹ Martinez v. Regents, No. CV 05-2064 (Cal. Super. Ct. Oct 6, 2006).

undocumented residents who had attended high school in North Carolina. Though HB 1183 was publicly backed by Latino advocacy groups, members of the local business community, former Governor Jim Hunt, and former North Carolina University System president Bill Friday, it was quickly countered by vehement protests from anti-immigration groups and featured prominently on conservative talk radio programs.²² Many legislative sponsors pulled their names off the bill, and it died in committee.²³

Though the Democratic majority in the North Carolina General Assembly is larger now than in 2005, suggesting a more receptive response towards new legislation on the issue, many legislators have not forgotten the contentious debate and are reluctant to take up the in-state tuition question again in the near future. Despite legislative hesitancy, many other political stakeholders are invested in the issue of undocumented immigrants' access to higher education, including Latino and anti-immigrant advocacy groups, the business community, the Community College Board, the North Carolina County Board of Commissioners, the North Carolina Governor, and undocumented immigrants themselves. A comprehensive list of statewide political stakeholders can be found in Appendix E.

The attempts by federal lawmakers to address various components of the immigration question will necessarily shape the approach of North Carolina lawmakers. President Bush has made comprehensive immigration reform a priority of his last term in office. Currently, both the House and Senate have proposed various bills that would affect the citizenship status of millions of immigrants. The failed 2004 DREAM Act, which would, among other provisions, allow children of undocumented immigrants to attend college as in-state residents, might be revived.

²² Manson, Andrea Bazan, and Jimenez, Marisol. "The debate on tuition will go on." *News and Observer*. P. A11 Editorial/Opinion. June 6, 2005.

²³ Stancill, Jane. "Taking Sides on Tuition." *News and Observer*. P. B1 News. April 24, 2005.

3. STANDARDS FOR WEIGHING ALTERNATIVES

As a threshold matter, each of the alternatives presented must conform to the current law or to the rules and procedures for seeking legal change. In addition, the optimum alternative(s) will meet the following standards to a high degree:

- (1) *Enhance Open Access.* Open access refers to NCCCS' mission to open the doors of higher education to *all* North Carolinians.
- (2) *Maximize Cost Effectiveness.* The measure of cost effectiveness used in this study is the concept of net benefits (benefits minus costs). A successful policy will have high net benefits.
- (3) *Maximize Political Feasibility.* Political feasibility refers to the variety and number of actors which will support the policy.
- (4) *Respect NCCCS Structure.* Recognizing that NCCCS gives large measures of local autonomy to each institution, a successful policy will account for the structural dynamics of NCCCS.
- (5) *Maximize Successful Implementation.* Successful Implementation refers to the feasibility of the alternative's actually achieving the end result for the undocumented students it works toward.

4. ALTERNATIVES

- (1) *Statewide Admission Policy.* This alternative would issue a new statewide policy uniformly requiring all community colleges to accept otherwise qualified undocumented students to curriculum programs at the out-of-state tuition rate. Adopting this policy would require a new memo from the systems office and changes in each college's admissions policy manual.
- (2) *Publicize College-Credit, Self-Sustaining Classes.* This alternative would embark NCCCS on an information campaign aimed at increasing undocumented high school students' use of opportunities to receive college credit while still in high school. In addition, the campaign would specifically target the undocumented population with advertisements for various self-sustaining courses offered throughout the summer.
- (3) *Reduce Out-of-State Tuition.* This alternative would uniformly reduce the out-of-state tuition rate through legislative change.
- (4) *Lobby for New In-State Tuition Bill.* This alternative proposes that the NCCCS lobby for a new bill in the likeness of HB 1183. This new bill would replace NC Gen. Stat 115D-39(b) and would mirror the best practices of other states by requiring the following for in-state tuition eligibility: (1) a minimum three years attendance at a North Carolina high school; (2) graduation from a North Carolina high school, or a North Carolina issued GED; and (3) in the event that a candidate meeting the first two requirements is an undocumented immigrant, a sworn affidavit that the candidate has applied for adjusted status or will do so when eligible.

5. ANALYSIS

Our analysis ranks the aforementioned alternatives against the criteria provided above.²⁴

(1) *Statewide Admission Policy*

At the outset, it is noteworthy that this alternative would resolve any remaining concerns as to the legality of the current NCCCS policy for admitting undocumented immigrant students.

This alternative meets the criterion of enhancing open access as it removes some barriers to admission for academically qualified undocumented immigrants. Though it would not decrease tuition rates for undocumented immigrants, a statewide admissions policy would mandate that all 58 community colleges accept these students if they demonstrate that they are otherwise eligible and academically qualified.

This alternative is extremely cost-effective. Opening access to academically qualified undocumented immigrants, who will be charged out-of-state tuition, would most likely result in an increase in revenue for the Community College system. Furthermore, a statewide admission policy will likely remove any local barriers to access and help more undocumented students pursue a community college degree. These additional students will provide additional workforce development benefits for North Carolina by incorporating more educated workers into the economy. Additionally, newly educated undocumented students will see individual benefits in the form of higher incomes.

This alternative is only somewhat politically feasible, as a decision to mandate admission for qualified undocumented applicants would likely encounter resistance from outside stakeholders, including many of the vocal opponents of 2005's HB 1183. NCCCS might be subject to outside, antagonistic pressure from various stakeholders if it sought to implement this alternative.

A statewide admissions policy only partially respects NCCCS structure, as it will be a departure from the current policy of local autonomy in admissions decisions. However, extensive interviews conducted with NCCCS representatives suggest that

²⁴ We assigned point values of 0, 1, 2 or 3 based on how effectively the alternative met each criterion. Additionally, we double-weighted the criterion "Enhance Open Access" in order to emphasize its importance to this project. Points were then totaled to determine an overall score for each alternative. For a full scoring breakdown, please see Appendix F.

most community colleges, with some exceptions, do not view a system-wide policy as a major threat to local autonomy.²⁵

Lastly, this alternative has a full likelihood of success, as NCCCS would be able to implement this alternative through a decision by the Board, a memo from the Systems Office, and changes in each college's admissions manual. This alternative receives a total score of 14.

(2) Publicize College-Credit, Self-Sustaining Classes

This alternative only marginally enhances open access. The option for students to take college-credit courses while still in high school already exists, as does the opportunity to enroll in self-sustaining classes. This alternative simply aims to make more students aware of the available possibilities. While access is not enhanced with new opportunities, interviews with local high school students indicated that they were largely unaware of the possibilities for earning college credit while in high school. Therefore, increasing knowledge could further the NCCCS mission of open access.

From a cost-effectiveness standpoint, this alternative fares relatively well. Any undocumented immigrant students who accrue college credit either without paying tuition or at in-state tuition rates will likely see a future return in the form of higher future earnings. From the NCCCS's standpoint, it would have to undertake the costs of any publicity campaign this alternative may entail, and it would have to bear the costs of educating any additional high school students who take advantage of the available college-credit options. However, the costs of educating any additional students in the self-sustaining classes would be offset by the tuition charges those students would pay.

Politically, this alternative would be feasible, as there would presumably be little opposition to a campaign designed to better publicize services currently offered by NCCCS. College-credit opportunities for high school students and self-sustaining classes are already in existence and have met with little to no protest from opponents to undocumented immigrant education.

Similarly, publicizing these services would do nothing to disrespect the structure of the Community College System, and local community colleges would still retain local autonomy in admitting undocumented students. This alternative fully meets the criterion of respecting NCCCS structure.

²⁵ Information obtained from interviews with NCCCS officials.

With regards to the likelihood of success, increasing awareness of these programs would likely lead to an increase in their participation. However, financial concerns with the self-sustaining courses would remain, and any publicity campaign must find a way to ensure that the information reaches sufficient numbers of the targeted students. This alternative receives a score of 12.

(3) Reduce Out-of-State Tuition

Reducing the cost of out-of-state tuition would be largely effective in terms of enhancing open access to community colleges. Tuition costs are the primary obstacle for many undocumented immigrants seeking higher education.²⁶ By alleviating this obstacle, even to a small degree, this alternative would enable NCCCS to better uphold its mission of open access to all North Carolinians. This is especially true in light of the fact that the out-of-state tuition rate currently exceeds the cost of educating a student.²⁷ As such, undocumented students charged out-of-state tuition actually generate revenue for NCCCS, so that they subsidize their fellow students in addition to paying their own cost of attendance. Reducing out-of-state tuition would enhance open access to a high degree.

Reduced out-of-state tuition will encourage additional undocumented students to enroll in an NCCCS institution, and these students will reap higher incomes than they otherwise would and contribute to the benefits of workforce development. However, this alternative falls short of full reduction to in-state tuition rates and, thus, will induce relatively few undocumented students into the system, making the impact of these societal workforce development benefits minimal. Therefore, this alternative only partially passes a cost-effectiveness test.

Changing out-of-state tuition rates will involve legislative cooperation. Based on a variety of interviews, the political feasibility of implementing the alternative is low. In particular, stakeholders may be resistant to seemingly providing a benefit that would go only to out-of-state residents and undocumented immigrants. Provided the tuition change follows the existing, well established channels in place, this alternative respects the NCCCS structure to a high degree. Even so, the likelihood of successful implementation is minimal, and as such, this alternative receives a total score of 9.

(4) New In-State Tuition Bill

If implemented, a new bill changing the general in-state tuition eligibility criteria would enhance open access for undocumented immigrants to the highest extent.

²⁶ Stancil, Jane, "Taking Sides on Tuition," *Raleigh News and Observer*, April 24, 2005.
<http://www.newsobserver.com/266/story/309581-p2.html>

²⁷ Information obtained from interviews with North Carolina Community College System officials.

Such a bill would reduce the financial barriers that preclude college entry and increase the number of undocumented students who would be able to access higher education and obtain a community college degree.

This alternative fares less well in terms of cost-effectiveness. Charging in-state tuition is associated with positive net benefits for an undocumented student. Under this policy, undocumented students see a reduction in their costs from the lower tuition rates and an increase in their benefits (measured by higher lifetime incomes) from a community college degree. For further details, please see the "Benefit-Cost Analysis" section on page 13. Newly educated undocumented students benefit from a higher income, and North Carolina's economy benefits from a more educated workforce. However, switching from out-of-state to in-state tuition will result in a marginal decrease in revenues for the NCCCS. Such a loss in revenue is likely to have a negative impact on other program areas and services within the NCCCS, further decreasing the cost-effectiveness of an in-state tuition bill.

An in-state tuition bill scores zero points in meeting the political feasibility criterion. While Latino advocacy groups, economic justice advocates, business community leaders, and members of NCCCS all support the idea of in-state tuition for undocumented immigrants, they feel that any serious effort in this regard must be preceded by a statewide policy allowing admission. Furthermore, the General Assembly is unlikely to take up new legislation regarding in-state tuition for undocumented students in the near future. In 2005, HB 1183 became highly controversial in the media, lost most of its sponsors, and died in committee. Based on conversations with various stakeholders, the political landscape in the General Assembly has only become more adverse to an in-state tuition bill since 2005.

This alternative largely respects NCCCS structural considerations, but will decrease the local autonomy that individual institutions have in deciding whether or not to admit undocumented students to their credit programs. Several interviews indicate, however, that a majority of the community colleges do not view system-wide policies as overly restrictive of their autonomy.

This alternative scored a zero on the likelihood of success criterion. The political controversy that surrounded HB 1183 is still very fresh in people's minds, and issues of immigration in the State continue to be controversial. In fact, a recent poll conducted by Elon University found 50.4 percent of North Carolina residents believed immigration was bad for the State and 55.7 percent agreed with the statement that immigrants are a burden on the State because they take jobs, housing and health care.²⁶ Despite the obvious benefits of a new in-state tuition bill, the likelihood of such a bill actually becoming legislation is very low. Therefore, this alternative receives an overall score of 9 points.

²⁶ Staff Reports. "Schools, Immigration Concern Tar Heels." *News and Observer*. April 24, 2007.

6. BENEFIT-COST ANALYSIS

Benefit - Cost Analysis of Switching to In-State Tuition
North Carolina Community College System

School Year	Out-of-state			In-State			
	# of undocumented students ¹	PV of Tuition Costs ²	PV of Tuition Benefits ³	# of undocumented students ¹	PV of Tuition Costs ²	PV of Tuition Benefits ³	
2005 - 2006	340	\$2,388,160	\$6,834,631	340	\$2,388,160	\$6,834,631	
2006 - 2007	380	\$2,542,019	\$6,817,905	380	\$2,542,019	\$6,817,905	
2007 - 2008	424	\$2,836,666	\$6,735,118	424	\$2,836,666	\$6,735,118	
		Current Policy in Effect †				Current Policy in Effect † In-State Tuition Takes Effect †	
2008 - 2009	473	\$3,164,161	\$6,586,775	531	\$638,507	\$7,394,455	
2009 - 2010	528	\$3,530,697	\$6,367,489	593	\$710,328	\$7,151,366	
2010 - 2011	590	\$3,946,026	\$6,066,735	662	\$792,565	\$6,807,082	
2011 - 2012	659	\$4,406,133	\$5,660,932	740	\$883,519	\$6,356,737	
2012 - 2013	735	\$4,914,276	\$5,129,094	826	\$986,198	\$5,764,125	
2013 - 2014	821	\$5,490,169	\$4,468,940	922	\$1,098,321	\$5,018,712	
2014 - 2015	917	\$6,133,320	\$3,650,866	1,030	\$1,226,974	\$4,100,755	
2015 - 2016	1,024	\$6,849,740	\$2,651,095	1,150	\$1,366,816	\$2,977,304	
2016 - 2017	1,143	\$7,645,220	\$1,443,609	1,284	\$1,525,480	\$1,621,692	
2017 - 2018	1,276	\$8,531,979	4	1,433	\$1,698,033	4	
2018 - 2019	1,425	\$9,527,966	4	1,600	\$1,893,884	4	
	Total	\$71,906,530	\$62,413,188	Total	\$20,587,471	\$67,579,881	
		NET BENEFITS TO UNDOCUMENTED STUDENTS			NET BENEFITS TO UNDOCUMENTED STUDENTS		
			-\$9,493,342			\$46,992,411	

¹ See Appendices A, C, and D

² See Appendix-B. Costs were discounted at a rate of 5% to get a present value (PV).

³ Kane and Rouse (1993) estimate the returns to one year of community college education as a 5 to 8 percent increase in salary. Johnson and Kasarda (2006) estimate the current average salary of a Hispanic individual in North Carolina as \$21,601. Based on these numbers, we estimate that an undocumented immigrant would see a 5% real return per year of community college education for a total return of \$2,160 after two years. Assuming that an undocumented student begins seeing this benefit two years after entering a community college, the total benefits of the education were figured as \$2,160 for every post-degree year a student would work within our timeframe, discounted at a rate of 5-percent to get a PV.

⁴ Benefits for these cohorts will be received outside of our projected time frame.

Our Benefit-Costs Analysis applies to Alternative (4) *New In-State Tuition Bill*. Charging out-of-state tuition to undocumented students in the NCCCS results in a net present value of -\$71,906,530 in costs and a net present value of \$62,413,188 in benefits. Thus, the current tuition policy, over the projected time frame, produces a net cost of -\$9,493,342 to undocumented students. By switching to in-state tuition, undocumented students incur a net present value of -\$20,587,471 in costs and a net present value of \$67,579,881 in benefits. An overall net benefit of \$46,922,441 is thus accrued to undocumented students. In-state tuition is clearly the more cost-effective policy for undocumented students. However, it should be noted that our analysis places emphasis on the perspective of the undocumented student. Therefore, we chose to measure costs as the tuition costs incurred by undocumented students and benefits as the increase in income as the result of a two-year community college degree. If we viewed our analysis from another angle, the NCCCS would see a clear cost of -\$51,319,060 (a net loss in revenue due to the decrease in tuition charged). Our analysis makes no attempt to quantify other costs (administrative or opportunity), benefits (reduction in use of other government services, decrease in crime, increase in health, increase in self-esteem, etc.), or transfers (increase in tax payments, etc.). These other costs, benefits, and transfers should be taken into consideration when assessing the total costs and benefits of this policy.

7. RECOMMENDATION

Based on our analysis, we recommend adoption of two of the stated alternatives. In the short term, NCCCS should work to better inform undocumented immigrants of the college-credit options available for high school students and encourage institutions that offer self-sustaining courses to make those offerings well-known.

In the long term, NCCCS should issue a statewide policy mandating that all member institutions admit undocumented immigrants at out-of-state tuition rates.

BIBLIOGRAPHY

Aliens and Nationality Act, 8 USCS § 1623.

"Basic Facts about In-State Tuition for Undocumented Immigrant Students." National Immigration Law Center: April 2006. http://www.nilc.org/immigrationpolicy/DREAM/in-state_tuition_basicfacts_041706.pdf. Accessed 7 February 2007.

Biswas, Radha Roy. *Access to Community College for Undocumented Immigrants: A Guide for State Policymakers*. Boston: Jobs for the Future, January 2005.

Cal Ed Code § 68130.5 (2006).

Holtzman, Jack. "Opening the College Door: Why the NCCCS Should Remove Access Barriers to Undocumented High School Students." North Carolina Justice and Community Development Center. February 7, 2003, Revised February 27, 2007.

Illinois Public Community Colleges Act, 110 ILCS 805/6-4a (2007).

Flores, Stella M., Horn, Catherine L., and Gloria Crisp. "Community Colleges, Public Policy, and Latino Student Opportunity." *New Directions for Community Colleges*: No. 133, Spring 2006.

Kane, Thomas J., and Cecilia E. Rouse. "Labor Market Returns to Two- and Four-Year Colleges: Is a Credit a Credit and Do Degrees Matter?" National Bureau of Economic Research working paper no. 4268, Cambridge, Mass: 1993.

Kansas Schools Community Colleges Residence Determination, K.S.A. § 71-407 (2006).

Kasarda, John D., and James H. Johnson, Jr. *The Economic Impact of the Hispanic Population on the State of North Carolina*. Kenan-Flagler Business School: The University of North Carolina at Chapel Hill, January 2006.

Kochhar, Rakesh, Suro, Roberto, and Sonya Tafoya. "The New Latino South: The Context and Consequences of Rapid Population Growth." Pew Hispanic Center: Washington, D.C., 2005.

Lewis, Raphael. "In-state tuition not a draw for many immigrants." *The Boston Globe*: P. A1, Metro/Region, November 9, 2005.

Manson, Andrea Bazan, and Jimenez, Marisol. "The debate on tuition will go on." *The News and Observer*. P.A11, Editorial/Opinion. June 6, 2005.

Martinez v. Regents, No. CV 05-2064 (Cal. Super. Ct. Oct. 6, 2006).

- McGee, Patrick. "More illegal immigrants in colleges." *Houston Chronicle*: P. 6, Section B, July 24, 2005.
- Mehta, Chirag, and Asma Ali. "Education for All: Chicago's Undocumented Immigrants and Their Access to Higher Education." Center for Urban Economic Development: University of Illinois at Chicago: March 2003.
- N.C. Gen. Stat. § 115D-39 (2006).
- N.C. Gen. Stat. § 115D-40.1 (2006).
- Nebraska State University, State Colleges and Postsecondary Education, R.R.S. Neb. § 85-502 (2007).
- New Mexico State and Private Education Institutions, N.M. Stat. Ann. § 21-1-4.6 (2007).
- North Carolina Community College System. *A Matter of Facts: The North Carolina Community College System Fact Book*. North Carolina Community College System: 2006.
<http://www.nccommunitycolleges.edu/Publications/docs/Publications/fb2006.pdf>. Accessed 8 February 2007.
- 70 Okl St. §3242 (2006).
- Passel, Jeffrey. "Estimates of the Size and Characteristics of the Undocumented Population." Pew Hispanic Center: Washington, D.C., 2005.
- Rev. Code Wash. (ARCW) § 28B.15.012 (2007).
- Scavongelli, Sara. "States Weigh Tuition Breaks For Illegal Immigrants." *Stateline.org*: June 23, 2003.
<http://www.stateline.org/live/ViewPage.action?siteNodeid=136&languageid=1&contentid=15438>. Accessed 7 February 2007.
- Shires, Michael A. "The Master Plan Revisited (Again): Prospects for Providing Access to Public Undergraduate Education in California." Rand Corp.: Santa Monica, Calif., Institute on Education and Training, 1995.
- Staff Reports. "Schools, Immigration Concern Tar Heels." *News and Observer*. April 24, 2007.
- Stancill, Jane. "Taking Sides on Tuition." *The News and Observer*. P. B1, News. April 24, 2005.
- "Taxpayers Should Not Subsidize College for Illegal Aliens." Federation for American Immigration Reform, May 2003.
http://www.fairus.org/site/PageServer?pagename=ilc_immigrationissuecenters6be3 Accessed 7 February 2007.

Tex. Educ. Code § 54.052-54.053 (2006).

"Twenty Five Years Made a World of Change for Economy." *Business North Carolina*. October 2006: 14.

NY CLS Educ § 6301 (2006).

Utah Code Ann § 53B-8-106 (2006).

APPENDIX A: PROJECTED NORTH CAROLINA HISPANIC HIGH SCHOOL GRADUATES

Year	Total Hispanic High School Graduates
2005	2,855
2006	3,188
2007	3,559
2008	3,974
2009	4,437
2010	4,954
2011	5,531
2012	6,176
2013	6,896
2014	7,700
2015	8,598
2016	9,600
2017	10,719
2018	11,969

Source: The North Carolina Department of Public Instruction

We calculated a continuous rate of growth (r) for 2005 to 2006:

$$X_1 = X_0 * e^{(rt)}$$

$$X_0 = 2,855$$

$$X_1 = 3,188$$

$$t = 1$$

$$r = \ln (X_1 / X_0) / t$$

$$r = .1103 (11.03\%)$$

We then applied r (11.03%) to the following years to project the number of Hispanic High School graduates in North Carolina for 2007 - 2018.

APPENDIX B: PROJECTED TUITION

Tuition Rates¹

School Year	Out-of-state		In-state	
	Semester tuition	Yearly tuition	Semester tuition	Yearly tuition
2001 - 2002	\$2,772	\$5,544	\$496	\$992
2002 - 2003	\$3,052	\$6,104	\$548	\$1,096
2003 - 2004	\$3,152	\$6,304	\$568	\$1,136
2004 - 2005	\$3,376	\$6,752	\$608	\$1,216
2005 - 2006	\$3,512	\$7,024	\$632	\$1,264
2006 - 2007 ²	\$3,512	\$7,024	\$632	\$1,264
2007 - 2008	\$3,688	\$7,376	\$664	\$1,328
2008 - 2009	\$3,872	\$7,744	\$696	\$1,392
2009 - 2010	\$4,064	\$8,128	\$728	\$1,456
2010 - 2011	\$4,268	\$8,536	\$764	\$1,528
2011 - 2012	\$4,480	\$8,960	\$800	\$1,600
2012 - 2013	\$4,704	\$9,408	\$840	\$1,680
2013 - 2014	\$4,940	\$9,880	\$880	\$1,760
2014 - 2015	\$5,188	\$10,376	\$924	\$1,848
2015 - 2016	\$5,448	\$10,896	\$968	\$1,936
2016 - 2017	\$5,720	\$11,440	\$1,016	\$2,032
2017 - 2018	\$6,004	\$12,008	\$1,064	\$2,128
2018 - 2019	\$6,304	\$12,608	\$1,116	\$2,232

Source: The North Carolina Community College System

¹ Tuition rates apply to full-year (16 credit hours per semester) enrollment

² Estimates for 2007 - 2008 and beyond assume tuition increases at roughly the rate of inflation (5%). 5% is also the average yearly growth rate of tuition from 2001 - 2007.

APPENDIX C: UNDOCUMENTED HISPANIC HIGH SCHOOL GRADUATES ATTENDING NORTH CAROLINA COMMUNITY COLLEGE

Projected Number of Undocumented Hispanic High School Graduates Attending North Carolina Community College

Year	Total Hispanic High School Graduates ¹	Total # that are Undocumented ²	Out-of-state	In-State
			# of Undocumented Immigrants in Community College System (for Credit) ³	# of Undocumented Immigrants in Community College System (for Credit) ⁴
2005	2,855	1,285	340	340
2006	3,188	1,435	380	380
2007	3,559	1,602	424	424
2008 ⁵	3,974	1,788	473	531
2009	4,437	1,997	528	593
2010	4,954	2,229	590	662
2011	5,531	2,489	659	740
2012	6,176	2,779	735	826
2013	6,896	3,103	821	922
2014	7,700	3,465	917	1,030
2015	8,598	3,869	1,024	1,150
2016	9,600	4,320	1,143	1,284
2017	10,719	4,824	1,276	1,433
2018	11,969	5,386	1,425	1,600

Source: The Terry Sanford Institute of Public Policy, Duke University

¹ See Appendix A.

² 45% of North Carolina Hispanics are estimated to be undocumented (Kasarda and Johnson, 2006).

³ Based on the 2005 number of known undocumented immigrants in the community college systems, we calculated an approximate 26.46% (340 / 1285) of undocumented Hispanic High School graduates attending community college. Assuming no change in out-of-state tuition, we applied this constant rate to calculate how many undocumented Hispanic High School graduates would attend community college for the remaining years.

⁴ We assume a price elasticity of demand for community college to be -0.15 (Shires, 1995). See Appendix D for further calculations.

⁵ We assume an policy shift to in-state tuition would occur in the 2008 - 2009 school year.

APPENDIX D: PRICE ELASTICITY OF DEMAND FOR COMMUNITY COLLEGE

Price Elasticity of Demand for Community College

Year	Out-of-state	In-State
	# of Undocumented Immigrants in Community College System (for Credit)	# of Undocumented Immigrants in Community College System (for Credit) ¹
2005	340	340
2006	380	380
2007	424	424
2008	473	531
2009	528	593
2010	590	662
2011	659	740
2012	735	826
2013	821	922
2014	917	1,030
2015	1,024	1,150
2016	1,143	1,284
2017	1,276	1,433
2018	1,425	1,600

Source: The Terry Sanford Institute of Public Policy, Duke University

¹ We assume a price elasticity of demand for community college to be -0.15 (Shires, 1995).

Price Elasticity of Demand = % change in enrollment / % change in price

$\epsilon = -0.15$. A 10% increase in tuition costs \rightarrow A 1.5% decrease in enrollment

% change in tuition price = $\frac{\text{In-State}_{2008-2009} - \text{Out-of-State}_{2008-2009}}{\text{Out-of-State}_{2008-2009}}$

Solve % change in tuition price = $(1392 - 7744) / 7744$

% change in tuition price = -0.8202479339 (-82.02% change in price)

% change in enrollment = ?

Solve $-0.15 = ? / -0.8202479339$ (% decrease in enrollment)

% change in enrollment = 0.123037191 (12.3% increase in enrollment)

With a $\epsilon = -0.15$. An 82.02% decrease in tuition costs \rightarrow A 12.3% increase in enrollment
 We then applied this 12.3% increase in enrollment to predict how many undocumented Hispanic High School graduates would be induced into the community college system with in-state tuition.

APPENDIX E: POLITICAL STAKEHOLDER ANALYSIS

North Carolina Governor: Current Governor Michael Easley expressed reservations about HB 1183 in 2005 but has not made public comments on the issue of tuition for undocumented immigrants since. His successor will take office in 2008. Former Governor Jim Hunt, a well-respected political leader in the State, was an active advocate for the bill and continues to be a vocal supporter of undocumented immigrants' access to higher education. Hunt has strong ties to the North Carolina business community, another important stakeholder.

General Assembly: The General Assembly can legislate a change in Community College policy. However, due in part to the memory of the heated debates surrounding HB 1183 in 2005, during which many legislators received hate mail and threatening phone calls for their support of the bill, legislators are reluctant to take up the issue in the near future. Many legislators whom we spoke with, from both sides of the aisle, have suggested that, for the time being, the issue is dead. They point to the need for federal immigration reform to dictate State policy.

El Pueblo and other Latino advocacy groups: El Pueblo, North Carolina's largest and most active Latino advocacy organization, together with other groups (such as El Centro Latino of Carrboro and El Centro Hispano of Durham), is a strong advocate of open access to higher education at the in-state rate for undocumented immigrants. The organization's first priority is to open access to community college for undocumented students; representatives from the organization say that the issue of in-state v. out-of-state tuition rates should take a backseat to that of opening access. El Pueblo and its constituents maintained an active presence during the 2005 HB 1183 debates and, despite receiving death threats and hate mail, maintain their vocal support for improving educational access for the undocumented population.

Americans for Legal Immigration (ALIPAC): ALIPAC is a non-partisan political action committee dedicated to supporting political candidates that make illegal immigration reduction one of their priorities. Further, ALIPAC works to enable U.S. Citizens to report illegal immigrants, employers which hire illegal immigrant labor, and smugglers. By providing centralized access to news stories and discussion boards, ALIPAC galvanizes public action against illegal immigration. ALIPAC was a key opponent to House Bill 1183 and continues to oppose in-state tuition for undocumented students.

North Carolina Community College System: The North Carolina Community College System (NCCCS) currently operates under an ad hoc admissions policy for undocumented immigrants, allowing each institution to decide whether to admit undocumented students at the out-of-state tuition rate. Currently, 12 of the 58 community colleges admit undocumented immigrants under this policy. Many within NCCCS feel that this number falls short of the open access the system is mission-bound to provide. While certain community colleges are governed by local communities which strongly oppose providing in-state tuition to qualifying undocumented immigrants, research indicates that most community college presidents would support, at the very least, a statewide policy making otherwise eligible undocumented immigrants admissible at the out-of-state rate. Research

further suggests that many community college presidents would support a legislative change allowing in-state tuition. In either case, it seems that, given their experience with state and federal aid guidelines, most community colleges would not reject a statewide policy of some kind, especially if it increases the degree to which their institutions provide open access to higher education.

Federation for American Immigration Reform (FAIR): The North Carolina chapter of the national organization Federation for American Immigration Reform closely follows the agenda of its parent office. FAIR seeks to improve border security, reduce illegal immigration and reform the immigration system so that it better serves national interests. In particular, FAIR would like to see the number of legal immigrants entering the United States drop from the current 1.1 million to 300,000, which it views as a more traditional immigrant allowance. As FAIR advocates complete border security and a complete halt in illegal immigration, it opposes higher education of any kind for undocumented students.

Undocumented Immigrants: The North Carolina Hispanic population makes up one-third of the State's workforce. In 2004, undocumented immigrants made up 45 percent of North Carolina's 600,913 person Hispanic population, amounting to 270,410 undocumented North Carolina residents.²⁹ Many of the undocumented immigrants are children who attend public primary school (K-12). The current ad hoc NCCCS admissions policy leaves most of these students without access to higher education. For those undocumented immigrants who live near colleges that do admit undocumented students, many remain unable to attend due to the financial difficulty out-of-state tuition poses. Undocumented immigrants have a strong stake in gaining access to higher education but, due to their legal status, must rely on other actors for political voice.

University of North Carolina System: The University of North Carolina system has adopted a system-wide policy to admit otherwise eligible undocumented students at the out-of-state tuition rate. The University System, however, has never publicly taken a position on the issue of providing in-state tuition to undocumented immigrants. The universities face an increase in enrollment of 80,000 students in the next ten years without a change in in-state tuition eligibility. The additional number of undocumented students likely to enroll under a new law would not substantially increase the difficulty the system already faces. In addition, the University System admits one hundred percent of candidates that are academically qualified, meaning that admitting undocumented students does not prevent legal residents of the United States from receiving a university education.

²⁹ Kasarda, John D., and James H. Johnson, Jr. *The Economic Impact of the Hispanic Population on the State of North Carolina*. Kenan-Flagler Business School: The University of North Carolina at Chapel Hill, January 2006. pg. 11.

APPENDIX F: OUTCOME MATRIX

North Carolina Community College System Alternatives for Open Access to Undocumented Immigrants				
Outcomes Matrix ¹				
Criteria \ Alternatives	Statewide Admission Policy	Publicize Alternative Credit Methods	Reduce Out-of-State Tuition	New In-State Tuition Bill
Open Access (x2) ²	2 (4)	1 (2)	2 (4)	3 (6)
Cost Effectiveness	3	2	1	1
Political Feasibility	2	3	1	0
Respect NCCCS Structure	2	3	3	2
Likelihood of Success	3	2	0	0
Total	14	12	9	9

Source: *The Terry Sanford Institute of Public Policy, Duke University*

¹ We assign point values of 0 (low), 1, 2, or 3 (high) based on how effectively the alternative meets each criterion.

² We double-weight the criterion of Open Access to emphasize its relative importance to the other criteria.

APPENDIX G: MODEL LEGISLATION

This model legislation is taken from The Center for Policy Alternatives

"Summary: The Access to Postsecondary Education Act provides in-state university and college tuition rates to qualified immigrant students who have attended state high schools for at least two years."

SECTION 1. SHORT TITLE

This Act shall be called the "Access to Postsecondary Education Act."

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS—The legislature finds:

1. Many [State] immigrant high school students have lived in the State most of their lives, and are likely to remain residents. These students are precluded from obtaining an affordable college education because they do not qualify for in-state tuition rates. Without access to in-state tuition rates, many of these students are not able to attend college.
2. These students have already proven their academic eligibility and merit through their admission to the state college and university system.
3. The State's college-educated workforce will grow and economic growth will be stimulated if these students attend college.
4. This Act does not confer postsecondary education benefits on the basis of residence within the meaning of Section 1623 of Title 8 of the United States Code.

(B) PURPOSE—This law is enacted to provide educational opportunity to children who live and who have graduated from high school in [State], improving the overall economic condition of the State.

SECTION 3. ACCESS TO POSTSECONDARY EDUCATION

After section XXX, the following new section XXX shall be inserted:

(A) QUALIFICATIONS FOR IN-STATE TUITION RATES

A student, other than a nonimmigrant alien within the meaning of paragraph 15 of subsection (a) of Section 1101 of Title 8 of the United States Code, shall qualify for in-state tuition rates at [State] state universities and colleges if he or she meets all of the following requirements:

1. High school attendance in [State] for two or more years.
2. Graduation from a [State] high school or attainment of the equivalent thereof.
3. Registration as an entering student at, or current enrollment in, a public institution of higher education in [State].
4. In the case of a person without legal immigration status, the filing of an affidavit with the institution of higher education that states that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

(B) ADMINISTRATION

1. The [Trustees of the University System] and the [Board of Governors of the Community College System] shall prescribe rules and regulations for the implementation of this section.

2. Student information obtained in the implementation of this section shall be confidential.

(C) ENFORCEMENT

A state court may award only prospective injunctive and declaratory relief to a party in any lawsuit based upon this section or based upon rules and regulations prescribed to implement this section.

SECTION 4. EFFECTIVE DATE

This Act shall take effect on [date]."

APPENDIX H: TEXT OF RELEVANT STATUTES AND REGULATIONS

N.C. Gen. Stat. § 115D-39

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CHAPTER 115D. COMMUNITY COLLEGES ARTICLE 3. FINANCIAL SUPPORT

N.C. Gen. Stat. § 115D-39 (2006)

§ 115D-39. Student tuition and fees

(a) The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided, however, that when an employer other than the armed services, as that term is defined in G.S. 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-State tuition rate; provided further, however, a community college may charge in-State tuition to up to one percent (1%) of its out-of-state students, rounded up to the next whole number, to accommodate the families transferred by business, the families transferred by industry, or the civilian families transferred by the military, consistent with the provisions of G.S. 116-143.3, into the State. Notwithstanding these requirements, a refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in G.S. 116-143.1(a)(2). Also, a nonresident of the United States who has resided in North Carolina for a 12-month qualifying period and has filed an immigrant petition with the United States Immigration and Naturalization Service shall be considered a State resident for community college tuition purposes.

(b) In addition, any person lawfully admitted to the United States who satisfied the qualifications for assignment to a public school set out under G.S. 115C-366 and

graduated from the public school to which the student was assigned shall also be eligible for the State resident community college tuition rate. This subsection does not make a person a resident of North Carolina for any other purpose.

(c) In addition, a person sponsored under this subsection who is lawfully admitted to the United States is eligible for the State resident community college tuition rate. For purposes of this subsection, a North Carolina nonprofit entity is a charitable or religious corporation as defined in G.S. 55A-1-40 that is incorporated in North Carolina and that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, or a civic league incorporated in North Carolina under Chapter 55A of the General Statutes that is exempt from taxation under section 501(c)(4) of the Internal Revenue Code. A nonresident of the United States is sponsored by a North Carolina nonprofit entity if the student resides in North Carolina while attending the community college and the North Carolina nonprofit entity provides a signed affidavit to the community college verifying that the entity accepts financial responsibility for the student's tuition and any other required educational fees. Any North Carolina nonprofit entity that sponsors a nonresident of the United States under this subsection may sponsor no more than five nonresident students annually under this subsection. This subsection does not make a person a resident of North Carolina for any other purpose.

N.C. Gen. Stat. § 115D-5

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CHAPTER 115D. COMMUNITY COLLEGES
ARTICLE 1. GENERAL PROVISIONS FOR STATE ADMINISTRATION

N.C. Gen. Stat. § 115D-5 (2006)

§ 115D-5. Administration of institutions by State Board of Community Colleges; personnel exempt from State Personnel Act; extension courses; tuition waiver; in-plant training; contracting, etc., for establishment and operation of extension units of the community college system; use of existing public school facilities

(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, buildings, building plans, 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.

N.C. Gen. Stat. § 115D-20

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CHAPTER 115D. COMMUNITY COLLEGES
ARTICLE 2. LOCAL ADMINISTRATION

§ 115D-20. Powers and duties of trustees

The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this Chapter and as are delegated to it by the State Board of Community Colleges. The powers and duties of trustees shall include the following:

- (1) To elect a president or chief administrative officer of the institution for such term and under such conditions as the trustees may fix, such election to be subject to the approval of the State Board of Community Colleges.
- (2) To elect or employ all other personnel of the institution upon nomination by the president or chief administrative officer, subject to standards established by the State Board of Community Colleges. Trustees may delegate the authority of employing such other personnel to its president or chief administrative officer.
- (3) To purchase any land, easement, or right-of-way which shall be necessary for the proper operation of the institution, upon approval of the State Board of Community Colleges, and if necessary, to acquire land by condemnation in the same manner and under the same procedures as provided in General Statutes Chapter 40A. For the purpose of condemnation, the determination by the trustees as to the location and amount of land to be taken and the necessity therefore shall be conclusive.
- (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 courses. Provided, further, that during the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.
- (5) To receive and accept donations, gifts, bequests, and the like from private donors and to apply them or invest any of them and apply the proceeds for purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of this Chapter and the regulations of the State Board of Community Colleges.
- (6) To provide all or part of the instructional services for the institution by contracting with other public or private organizations or institutions in accordance with regulations and standards adopted by the State Board of Community Colleges.
- (7) To perform such other acts and do such other things as may be necessary or

proper for the exercise of the foregoing specific powers, including the adoption and enforcement of all reasonable rules, regulations, and bylaws for the government and operation of the institution under this Chapter and for the discipline of students.

(8) If a board of trustees of an institution provides access to its buildings and campus and the student information directory to persons or groups which make students aware of occupational or educational options, the board of trustees shall provide access on the same basis to official recruiting representatives of the military forces of the State and of the United States for the purpose of informing students of educational and career opportunities available in the military.

(9) To encourage the establishment of private, nonprofit corporations to support the institution. The president, with approval of the board of trustees, may assign employees to assist with the establishment and operation of such corporation and may make available to the corporation office space, equipment, supplies and other related resources; provided, the sole purpose of the corporation is to support the institution. The board of directors of each private, nonprofit corporation shall secure and pay for the services of the State Auditor's Office or employ a certified public accountant to conduct an annual audit of the financial accounts of the corporation. The board of directors shall transmit to the board of trustees a copy of the annual financial audit report of the private nonprofit corporation.

(10) To enter into guaranteed energy savings contracts pursuant to Part 2 of Article 3B of Chapter 143 of the General Statutes.

(11) To enter into lease purchase and installment purchase contracts for equipment under G.S. 115D-58.15.

(12) Notwithstanding the provisions of this Chapter, a community college may permit the use of its personnel or facilities, in support of or by a private business enterprise located on a community college campus or in the service area of a community college for the specific purposes set out in G.S. 66-58(c)(3a) and G.S. 66-58(c)(3d). The board of trustees of a community college must specifically approve any use of facilities or personnel under this subdivision. The State Board shall adopt rules to implement this subdivision, G.S. 66-58(c)(3a), and G.S. 66-58(c)(3d).

(13) To enter into a public/private partnership in which all of the following conditions are met:

- a. The agreement is approved in advance by the State Board of Community Colleges.
- b. The board of trustees agrees to lease community college land to a private entity on condition that the entity construct a facility on the leased land.
- c. The facility will be jointly owned and used by the private entity and the community college.
- d. The board of trustees is not authorized to lease the facility as lessee under a

long-term lease or capital lease from the private entity as lessor.

e. The board of trustees is not authorized to finance its portion of the facility by entering into an installment contract or other financing contract with the private entity.

f. State bond funds shall not be used to pay for construction of that part of the facility to be owned and used by the private entity.

g. The provisions of G.S. 143-341(3)a. apply to the construction of a facility under this subsection.

23 N.C.A.C. 2C.0301

NORTH CAROLINA ADMINISTRATIVE CODE

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*** THIS FILE INCLUDES ALL RULES FILED THROUGH JANUARY 9, 2007 ***

**TITLE 23. DEPARTMENT OF COMMUNITY COLLEGES
CHAPTER 2. COMMUNITY COLLEGES
SUBCHAPTER 2C. COLLEGES: ORGANIZATION AND OPERATIONS
SECTION .0300. STUDENTS**

23 N.C.A.C. 2C.0301 (2007)

.0301 ADMISSION TO COLLEGES

(a) Each college shall maintain an open-door admission policy to all applicants who are 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.

**TITLE 23. DEPARTMENT OF COMMUNITY COLLEGES
CHAPTER 2. COMMUNITY COLLEGES
SUBCHAPTER 2C. COLLEGES: ORGANIZATION AND OPERATIONS
SECTION .0100. TRUSTEES AND COLLEGES**

23 N.C.A.C. 2C.0101 (2007)

.0101 AUTHORIZATION

The boards of trustees of community colleges as bodies corporate are authorized to do all things necessary and proper to organize and operate colleges consistent with the law and the rules of the State Board.

Statutory Authority G.S. 115D-5; 115D-14;

APPENDIX I: INTERVIEWS CONDUCTED

Representative Jeff Barnhart, Cabarrus County

Tania Duran-Eyre, Youth Program Specialist, El Pueblo

Maria Fraser-Molina, Assistant Vice President and Department Head, Durham Tech Community College

Jack Holtzman, Staff Attorney, North Carolina Center for Justice

Jim Hunt, former Governor of North Carolina

Marisol Jimenez McGee, Advocacy Director and Lobbyist, El Pueblo

James H. Johnson, William R. Kenan Jr. Distinguished Professor of Entrepreneurship, UNC Kenan-Flagler Business School

Dr. Robert Kanoy, Senior Associate Vice President for Academic and Student Affairs, University of North Carolina

Martin Lancaster, President, North Carolina Community College System

Axel Lluch, Director of Hispanic and Latino Affairs, Office of the Governor

Dr. Don Reichard, President, Johnston Community College and North Carolina Association of Community College Presidents

Leslie Winner, Vice President and General Counsel, University of North Carolina

Paula Wolf, Paulatics, contract lobbyist with El Pueblo

APPENDIX J: ADMISSION POLICIES

	Elect to Admit	Written Policy		Elect to Admit	Written Policy
Alamance CC	no	no	<i>Martin CC</i>	no	no
Asheville-Buncombe TCC	yes	no	Mayland CC	no	yes
Beaufort County CC	yes	no	McDowell TCC	no	yes
Bladen CC	no	no	<i>Mitchell CC</i>	no	no
Blue Ridge CC	yes	yes	Montgomery CC	yes	yes
Brunswick CC	yes	no	<i>Nash CC</i>	yes	yes
Caldwell CC/CI	no	no	Pamlico CC	no	no
Cape Fear CC	no	yes	Piedmont CC	yes	no
Carteret CC	no	no	<i>Pitt CC</i>	yes	yes
Catawba Valley CC	yes	yes	Randolph CC	yes	yes
Central Carolina CC	yes	no	Richmond CC	no	no
Central Piedmont CC	yes	no	<i>Roanoke-Chowan CC</i>	no	no
Cleveland CC	no	no	<i>Robeson CC</i>	yes	no
Coastal Carolina CC	no	no	<i>Rockingham CC</i>	yes	no
College of The Albemarle	yes	yes	<i>Rowan-Cabarrus CC</i>	yes	no
Craven CC	no	no	<i>Sampson CC</i>	yes	no
Davidson County CC	yes	no	<i>Sandhills CC</i>	yes	no
Durham TCC	yes	no	<i>South Piedmont CC</i>	--	--
Edgecombe CC	no	no	Southeastern CC	yes	no
<i>Fayetteville TCC</i>	no	no	Southwestern CC	yes	no
<i>Forsyth TCC</i>	no	no	<i>Stanly CC</i>	yes	yes
Gaston College	yes	yes	Surry CC	no	yes
Gulford TCC	yes	yes	<i>Tri-County CC</i>	--	--
Halifax CC	no	no	Vance-Granville CC	yes	no
Haywood CC	yes	yes	Wake TCC	no	yes
Isothermal CC	yes	yes	<i>Wayne CC</i>	no	no
<i>James Sprunt CC</i>	yes	yes	Western Piedmont CC	yes	yes
Johnston CC	yes	yes	Wilkes CC	yes	yes
<i>Lenoir CC</i>	yes	no	<i>Wilson TCC</i>	yes	no

Note: Every attempt was made to update these admission policies as of April 25, 2007. Community colleges in Italics reflect information from a survey conducted by the NCCCS on April 19, 2005.

**November 7, 2007 Memo to Presidents, VP/Deans
of Instruction, VP/Deans of Student
Development, VP/Deans of Continuing
Education, Admissions Officers, and Registrars
from David J. Sullivan, General Counsel, NCCCS
(CC07-275)**



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

May 9, 1997 Letter to Patricia A. Montgomery,
V.P. Personnel & General Counsel, Wake
Technical Community College from Thomas
Ziko, Special Deputy Attorney General and
Sylvia Thibaut, Assistant Attorney General,
North Carolina Department of Justice



State of North Carolina

Michael F. Easley
ATTORNEY GENERAL

Department of Justice
P.O. BOX 629
RALEIGH
27602-0629

REPLY TO:
Sylvia Tibbitt
Education Section
TEL: (919) 733-7387
FAX: (919) 733-0288
edstibb@mail.jus.state.nc.us

May 9, 1997

Ms. Patricia A. Montgomery
V.P. Personnel & General Counsel
Wake Technical Community College
9101 Fayetteville Road
Raleigh, North Carolina 27603-5696

RE: Community College Admission Criteria Inquiry

Dear Ms. Montgomery:

You have inquired as to whether Wake Technical Community College may propagate an admission policy which would take into consideration whether an applicant has a criminal conviction or other disruptive behavior in his or her past and would automatically result in denial of admission if such circumstances had occurred within the year preceding application for admission. In particular, you are concerned with the large numbers of students who enroll as a condition of court-ordered probation, many of whom have serious criminal records. Accordingly, you have requested an opinion as to: (1) whether admission criteria, other than that established by the State Board of Community Colleges, may be established by Wake Technical Community College and, if so, (2) can this criteria apply specifically to probationers. The answers to these questions depend upon the interpretation and application of the State Board of Community Colleges' authority under Chapter 115D and the regulations it has adopted pursuant to that authority.

N.C. Gen. Stat. § 115D-1 provides, in pertinent part:

The major purpose of each and every institution operating under the provisions of this Chapter shall be and shall continue to be the offering of vocational and technical education and training, and of basic, high school level, academic education needed in order to profit from vocational and technical education, for students who are high school graduates or who are beyond the compulsory age limit of the public school system and who have left the public schools

N.C. Gen. Stat. § 115D-5(a) further provides that:

Patricia A. Montgomery
May 9, 1997
Page 2

The State Board shall have authority with respect to individual institutions: . . . to establish and administer standards for professional personnel, curricula, admissions, and graduation; to regulate the awarding of degrees, diplomas, and certificates. . . .

Pursuant to its authority under N.C. Gen. Stat. §§ 115D-1 and -5, the State Board has enacted 23 N.C.A.C. 2C .0301, which provides:

Each college shall maintain an open-door admission policy to all applicants who are high school graduates or who are at least 18 years of age. Student admission and placement shall be determined by the officials of each college.

In contrast to the State Board's broad powers, N.C. Gen. Stat. § 115-20 grants the trustees of the community colleges *only* the power "[t]o apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges."

Finally, in N.C. Gen. Stat. § 15A-1343, the Legislature specified that one of the regular conditions of probation, which conditions apply to *all* probationers unless specifically exempted by the trial judge, is that a probationer:

(7) Remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training that will equip him for suitable employment. A defendant pursuing a course of study or of vocational training shall abide by all of the rules of the institution providing the education or training, and the probation officer shall forward a copy of the probation judgment to that institution and request to be notified of any violations of institutional rules by the defendant.

It is our opinion that, when considered in their entirety, these statutes and regulations are indicative of the General Assembly's intent to permit all qualified students to benefit from the opportunities for vocational and technical education offered and training offered through the community college system subject only to the State Board's authority to establish standards for admission, graduation and the conferring of degrees, diplomas and certificates, including probationers. Consistent with that intent and its authority, the State Board has adopted 23 N.C.A.C. 2C .0301, which requires each college in the system to maintain an open-door admission policy. While that regulation allows each college to determine student admissions and placements, it is our opinion that the State Board intended the colleges' authority in these areas to be limited to

Patricia A. Montgomery

May 9, 1997

Page 3

considerations such as academic qualifications and available space. We do not believe that the colleges' authority under 23 N.C.A.C. 2d .0301 includes the power to impose nonacademic requirements on admissions to its programs.

In light of this interpretation of the applicable statutes and regulations, it is our opinion that a community college may not propagate an admissions policy which places nonacademic requirements on admissions to its programs for minors or any other applicants, including probationers. Further, it is our opinion that only the State Board of Community Colleges may impose nonacademic requirements on admission or the awarding of degrees, diplomas and certificates. The authority of the local community colleges is limited to enforcing academic requirements for admission and certifying that students have met the requirements for the award of degrees, diplomas and certificates. Insofar as past criminal convictions or disruptive behavior is not an academic qualification, those conditions may not be used as a basis to exclude students from admission to or completion of programs at individual community colleges.

This is an advisory letter. It has not been reviewed and approved in accordance with procedures for issuing an Attorney General's opinion.

Sincerely yours,



Thomas J. Ziko
Special Deputy Attorney General



Sylvia Thibaut
Assistant Attorney General

cc: Dr. Lloyd V. Hackley
Clay Hines

**December 3, 2007 Letter to Letter to Thomas
Ziko, Special Deputy Attorney General, North
Carolina Department of Justice from David
Sullivan, General Counsel, NCCCS**



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

H. Martin Lancaster, President

December 3, 2007

Mr. Tom Ziko
Special Deputy Attorney General
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

Dear Tom:

The North Carolina Community College System Office recently provided guidance to our 58 colleges that essentially requires colleges to permit the enrollment of undocumented individuals, or as identified by federal law, unqualified individuals. As you are most likely aware, the guidance has been questioned and suggestions have been made that the guidance conflicts with statutes addressing benefits which can be provided to those who are in our nation without legal immigration status. Because so many questions have been raised, the North Carolina Community College System Office respectfully requests an opinion of the Attorney General as to whether the conclusion of the recent guidance provided to colleges by the System Office is proper in light of the governing statutes of the federal and state governments as well as the regulations of the State Board of Community Colleges.

Thank you for your consideration of this request. Please do not hesitate to contact me if the System Office can provide you with additional information regarding this request.

Sincerely,

David J. Sullivan
General Counsel

Attachment

CC: H. Martin Lancaster
President, NCCCS

MAILING ADDRESS: 5001 MAIL SERVICE CENTER ~ RALEIGH, NC 27699-5001

Street Address: 200 West Jones ~ Raleigh, NC 27603 ~ 919-807-7100 ~ Fax 919-807-7164

AN EQUAL OPPORTUNITY EMPLOYER

**December 3, 2007 Statement of President Martin
Lancaster on the NC Community College
System's Admission Policy for Undocumented
Immigrants**

Statement of President Martin Lancaster
On the NC Community College System's
Admission Policy for Undocumented Immigrants

December 3, 2007

Since 1958 when the first Industrial Education Center (the predecessor to the community colleges) was established, community colleges have had an open door policy. This has meant from day one that anyone, without regard to education background or attainment, race or ethnicity, social or economic standing, would be admitted to benefit from our programs. Our primary mission has been taking persons from wherever they are personally or educationally and helping them go as far as they can go. So when questions were raised about a handful of colleges having policies which excluded some students based on immigration status, I asked our General Counsel, David Sullivan to research our policies and the law. Having done so, he reached the conclusion which I concurred in that there could be no basis in either policy or law to deny anyone access under our open door policy. I fully support the memorandum which was issued and do not see it as any change in policy, but a clarification of the existing law and policy. Furthermore, it is not only the right law and policy, but it is the right thing to do.

In the response to a legal opinion from some who question that opinion, several undisputable facts have been overlooked:

1. The vast majority of students who might pursue an educational opportunity at a community college came to this country as young children having no choice in the matter. They were brought here by their parents, often as babes in arms. How can these children be considered "law breakers" intent on taking advantage of our community college programs illegally?
2. Each of these students had the opportunity to receive a free public education, in many cases from kindergarten through the 12th grade. Some of them have graduated as valedictorians or honor graduates with a clear potential for benefiting from a college education. The perverse thing about the position many would have us take is that parents can strap a one year old child on their backs as they cross the Rio Grande and six months later have a second child and the two children would be treated very differently. The first child would be forever denied an opportunity for an education; the second child, a North Carolina citizen under the constitution without regard to the status of its parents, would be able to attend a community college or university as an in-state student. Is that fair or right?
3. To attend a community college as an undocumented immigrant, these students will have to pay \$7,465 per year as full-time curriculum students, which is \$2,090 more than the legislature gives the community college to educate a full-time student. Therefore, there is no state subsidy at all for these students to attend a community college; these students would more than pay the cost of their community college education. Furthermore, under a federal court decision which allowed the admission of undocumented immigrants to institutions of higher education, the students can receive no federal or state educational benefits. Therefore, they must come up with that full tuition, plus fees and books from their own resources. This \$10,000-plus expense is beyond the means of almost any undocumented immigrant who might wish to enroll.
4. In every era of American history the latest wave of immigrants (Irish, Czechs, Pole, Germans, and yes, even those brought here involuntarily, African Americans) has faced the same opposition that Hispanics now face whether they arrived on our shores with or

without documents. We are a nation of immigrants and if one reviews the names of those who have called or e-mailed the System Office in opposition to our open door policy, one must conclude that fifty or a hundred years ago their grandparents or great grandparents faced the same opposition that they are now voicing.

4. Unless the federal government fulfills its obligation to address the whole immigration issue, it is highly unlikely that these students will ever return to their countries of origin, either voluntarily or involuntarily. Therefore, they will remain in North Carolina or some other state and be a significant part of the workforce long into the future. To say that undocumented immigrants "can't work in North Carolina" ignores the fact that thousands of them are working today in almost every field one can imagine! Do we want these workers to be knowledge workers or ignorant workers incapable of giving to their employers their best efforts?
5. Many European countries are now experiencing more significant violent, destructive and terrorist activity by immigrants than we are experiencing in this country. For years these countries have denied immigrants basic rights and services, creating a permanent, disenfranchised, and angry underclass. By refusing to educate and make productive members of our society the children of undocumented aliens, North Carolina and the United States face that same eventuality.
6. For North Carolina to be competitive in a global economy, it must depend on a knowledge-workforce which makes it imperative that every future worker in North Carolina receive as much education as possible. To deny a significant portion of tomorrow's workforce any higher education opportunities will not only hurt these young people who came to North Carolina through no fault of their own, but it will also significantly diminish their incomes forever. The consequences to North Carolina are reduced tax collections and potential payments for social services and incarceration long into the future. This will hit the pocket books of those who now oppose maximizing the earning capacity of everyone who lives in North Carolina. This ill-advised position would hurt North Carolina and its economic future and will increase the tax burden of those now screaming the loudest!
7. Prior to applying the policy of open admissions for all students consistently across the state, 37 colleges had specifically granted approval for admission of undocumented alien students and an undetermined number of other colleges were admitting these students without having taken formal action. Despite that fact, only 340 undocumented students out of more than 271,000 curriculum students (all of those seeking a degree, diploma or certificate) have chosen to enroll. This is hardly the inundation of our colleges predicted by the talk show hosts, bloggers, e-mailers, and phone callers.

Our System's open door policy has benefited North Carolina since 1958 by taking ill-prepared students as well as our very best students and given them the highest quality education possible at an affordable cost and at accessible places. North Carolina can ill afford to stop the forward momentum we have created by making every worker in North Carolina a knowledge worker.

If North Carolina wants to continue its dramatic economic progress, it must embrace education as the primary strategy for our future. No potential worker of tomorrow must ever be consigned to the desperation that comes from ignorance and inability to obtain rewarding employment.

December 6, 2007
University of North Carolina
Tomorrow Commission Report



December 2007



University of North Carolina Tomorrow Commission **Final Report**

University of North Carolina Tomorrow



The mission of the University of North Carolina:

*"The University of North Carolina is a public, multi-campus university dedicated to the service of North Carolina and its people . . . [Its] mission is to discover, create, transmit, and apply knowledge to address the needs of individuals and society. This mission is accomplished through instruction, which communicates the knowledge and values and imparts the skills necessary for individuals to lead responsible, productive, and personally satisfying lives; through research, scholarship, and creative activities, which advance knowledge and enhance the educational process; and through public service, which contributes to the solution of societal problems and enriches the quality of life in the State. . . Teaching and learning constitute the primary service that the university renders to society."*¹

¹ N.C.G.S. 116-1(b)

Participants

University of North Carolina Tomorrow Commission

Mr. Jim Phillips (Chairman)* *Attorney, Chair UNC Board of Governors*
 Mr. John M. Blackburn *President and General Manager, Linville Resorts*
 Ms. Peaches Gunter Blank* *Businesswoman, Member of the UNC Board of Governors*
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EXECUTIVE SUMMARY

What was the purpose of this study?

The purpose of the University of North Carolina Tomorrow Initiative was to determine how the University of North Carolina can respond more directly and proactively to the 21st century challenges facing North Carolina both now and in the future through the efficient and effective fulfillment of its three-pronged mission of teaching, research and scholarship, and public service. The outcomes of this Initiative will guide and shape current and future priorities, resource allocations, existing and future programs, and strategic plans and missions of the University of North Carolina, its 17 constituent institutions and its affiliated entities to ensure that UNC¹ not only becomes more proactive and responsive to the needs of our state, but remains so in the years to come as the people of North Carolina continue to confront the myriad challenges of the rapidly changing, knowledge-based global economy and environment of the 21st century.

How did we collect the data?

The UNC Tomorrow initiative was guided by UNC Board of Governors Chairman Jim Phillips, UNC President Erskine Bowles, and the UNC Tomorrow Commission, a 28-member blue-ribbon group including business, education, government, and nonprofit leaders from across the state. The Commission was charged with the responsibility of learning what the people of North Carolina need from their University and making relevant recommendations to the UNC Board of Governors. The Commission's work was guided by the expert research, analysis, and advice of the UNC Tomorrow Scholars Council, a diverse 14-member panel of faculty from across the UNC system.

To become more responsive to the needs and challenges of our state, UNC first had to identify what those needs and challenges are. This was accomplished through visits to all 17 UNC campuses, 11 Community Listening Forums held across the state attended by approximately 2,700 members of the public, 11 Faculty Forums involving all 17 UNC campuses attended by almost 1,000 faculty, students, and staff, an online survey to which approximately 6,700 people responded, and a blog hosted on the UNC Tomorrow website. Through these efforts, UNC Tomorrow listened to what the people of North Carolina, our faculty, and our students told us they needed from their public University to help address the significant challenges facing their own future and that of their communities, regions, and our state as a whole.

What are our major findings and recommendations?

4.1 Our Global Readiness

Major Finding: UNC should educate its students to be personally and professionally successful in the 21st century and, to do so, should enhance the global competitiveness of its institutions and their graduates.

4.1.1. UNC should prepare its students for successful professional

and personal lives in the 21st century, equipping them with the tools they will need to adapt to the ever-changing world.

4.1.2. UNC programs, especially research programs, should be globally competitive to ensure that they are globally relevant and significant.

4.1.3. UNC should promote increased partnerships between its own campuses and international universities and enhance the global awareness of its faculty and students.

4.2. Our Citizens and Their Future: Access to Higher Education

Major Finding: UNC should increase access to higher education for all North Carolinians, particularly for underserved regions, underrepresented populations, and non-traditional students.

4.2.1. UNC should increase access to its educational programs - including academic courses, degree programs at all levels, and certificate programs - for traditional students, non-traditional students, and lifelong learners.

4.2.2. UNC should continue ongoing efforts with the North Carolina Community College System to strengthen and streamline articulation between the two systems to develop a more seamless relationship.

4.2.3. UNC should be a model for accommodating the needs of persons with disabilities, including students, faculty, staff, and the general public.

4.2.4. UNC should maintain affordability and increase financial aid options.

4.2.5. UNC should increase the educational attainment of all underrepresented populations, especially African-American male and Hispanic students.

4.2.6. UNC should help ensure that all students are better prepared to enter and succeed academically in college.

4.3. Our Children and Their Future: Improving Public Education

Major Finding: UNC should be more actively involved in solving North Carolina's public education challenges.

4.3.1. UNC should improve the quantity, quality, and geographic distribution of public school teachers.

4.3.2. UNC should help address the shortage of science and math teachers, especially in rural areas.

4.3.3. UNC should strengthen efforts, in cooperation with the North Carolina State Board of Community Colleges and the Community College System, the North Carolina State Board of Education, and the North Carolina Department of Public Instruction, to enhance the teaching skills of public school faculty and the leadership skills of public school administrators.

4.3.4. UNC should leverage its expertise, and increase collaborations with the State Board of Education and Department of Public Instruction, to help lower our state's

¹ "UNC," as used in this summary, refers to the University of North Carolina, its 17 constituent institutions, and its affiliated entities established under Chapter 116 of the North Carolina General Statutes.

EXECUTIVE SUMMARY

dropout rate and improve academic achievement in all public schools in North Carolina, especially those that high-priority and low-performing.

4.3.5. UNC should strengthen partnerships with the State Board of Education, the North Carolina Department of Public Instruction, the North Carolina Community College System, and our state's Independent Colleges and Universities to develop a seamless educational continuum from pre-K through higher education ("Birth-20").

4.4. Our Communities and Their Economic Transformation

Major Finding: UNC should be more actively engaged in enhancing the economic transformation and community development of North Carolina's regions and the state as a whole.

4.4.1. UNC should increase its capacity and commitment to respond to and lead economic transformation and community development.

4.4.2. UNC should focus specific effort in meeting the needs of rural and underserved areas of the state.

4.4.3. UNC should seek to align appropriate campus programs with the strategic economic plans (including sector and cluster plans) of their regions and the state, recognizing the unique differences and challenges of our state's economic and geographic regions.

4.4.4. UNC should promote the arts and cultural enrichment in all regions of the state.

4.4.5. UNC should facilitate inclusive discussions on important community issues.

4.5. Our Health

Major Finding: UNC should lead in improving the health and wellness of all people and communities in our state.

4.5.1. UNC should lead in improving health and wellness in North Carolina.

4.5.2. UNC should educate more health professionals.

4.5.3. UNC should lead in utilizing health information to improve health and wellness in North Carolina.

4.6. Our Environment

Major Finding: UNC should assume a leadership role in addressing the state's energy and environmental challenges.

4.6.1. UNC should embrace environmental sustainability as a core value among its institutions.

4.6.2. UNC should leverage its existing research expertise to address critical environmental and energy issues.

4.6.3. UNC should increase community awareness of environmental and sustainability issues.

4.7. Our University's Outreach and Engagement

Major Finding: UNC should become more directly engaged

with and connected to the people of North Carolina, its regions, and our state as a whole.

4.7.1. UNC should apply, translate, and communicate research and scholarship to broader audiences.

4.7.2. UNC should develop a strategic plan for scholarly public service on each campus that is detailed and specific in definition and scope.

4.7.3. UNC should create a mechanism for applying research and scholarship to addressing significant regional and statewide issues.

4.7.4. UNC should communicate its resources and expertise to wider audiences.

What changes should be made within UNC to respond to the needs of our state?

5.1. UNC should examine the missions of its 17 constituent institutions in light of state and regional needs from a "system" perspective so that the programs and resources of all institutions serve the state and its regions in a manner that complement each other, maximize resources, and avoid unnecessary duplication.

5.2. UNC should review the academic planning process to ensure that the needs of North Carolina are fully considered in establishing and discontinuing degree programs.

5.3. UNC should lead the campuses in a refinement and adjustment of the tenure, promotion, and incentive system to place greater value on faculty involvement and engagement in applied research and outreach that will enhance the state's competitiveness without decreasing support for teaching, basic research and scholarship.

5.4. UNC should prepare for wide-scale faculty retirement and increase efforts to recruit and retain high-quality faculty.

5.5. UNC should increase efforts to attract and retain high-quality staff at all levels.

5.6. UNC should continue to seek an efficient use of available resources in the fulfillment of its mission.

5.7. UNC should encourage and facilitate interdisciplinary and inter-institutional collaboration among its institutions.

5.8. UNC should continue efforts to establish accountability and performance measures that ensure and demonstrate transparently its success in carrying out its missions.

What are our next steps?

UNC is committed to not just learning what challenges face North Carolina both now and in the future - it is committed to meeting these challenges. Upon receipt of the UNC Tomorrow Commission's report, the UNC Board of Governors and President Bowles will begin working with UNC institutions, affiliated entities, and General Administration to develop specific plans for how UNC will respond to the Commission's recommendations, and in doing so, respond to the challenges facing North Carolina both now and in the future.

A full copy of the UNC Tomorrow Commission report is available at <http://www.nctomorrow.org/>.

Section 1: PURPOSE

“At pivotal points in our history this University has provided the toolkit with which the people of North Carolina built themselves out of poverty and mediocrity. By offering the raw material of innovation and the glue of common purpose, the University has shown how our aspirations can take concrete form.”

*--UNC President Erskine Bowles
Inaugural Address, April 12, 2006*

Section 1. What was the purpose of this study?

The purpose of the University of North Carolina Tomorrow Initiative was to determine how the University of North Carolina can respond more directly and proactively to the 21st century challenges facing North Carolina both now and in the future through the efficient and effective fulfillment of its three-pronged mission of teaching, research and scholarship, and public service. The outcomes of this Initiative will guide and shape current and future priorities, resource allocations, existing and future programs, strategic plans, and missions of the University of North Carolina, its 17 constituent institutions and its affiliated entities to ensure that UNC not only becomes more proactive and responsive to the needs of our state, but remains so in the years to come as the people of North Carolina continue to confront the myriad challenges of the rapidly changing, knowledge-based global economy and environment of the 21st century.

To become more responsive to the needs and challenges of our state, UNC first had to identify those needs and challenges. This was accomplished under the leadership of UNC Board of Governors Chairman Jim Phillips, UNC President Erskine Bowles, and the UNC Tomorrow Commission, a 28-member blue-ribbon group including business, education, government, and nonprofit leaders from across the state. They were charged with the responsibility of learning what the people of North Carolina need from their University and making relevant recommendations to the UNC Board of Governors. The Commission's work was guided by the expert research, analysis, and advice of the UNC Tomorrow Scholars Council, a diverse 14-member panel of faculty from across the UNC system engaged to serve as advisors to Chairman Phillips, President Bowles, and the Commission.

The UNC Tomorrow Commission and Scholars Council recommend to the UNC Board of Governors that UNC respond to the needs and challenges facing North Carolina as identified in this report.

² “UNC,” as used in this summary, refers to the University of North Carolina, its 17 constituent institutions, and its affiliated entities established under Chapter 116 of the North Carolina General Statutes.

Section 2: DATA COLLECTION

Section 2: How did we collect the data?

To identify the major challenges facing North Carolina, the Commission developed a diverse array of input from internal and external constituencies across our state, framed with considerable research and analysis by the Scholars Council. We received comments, suggestions, and responses from more than 10,000 individuals.³ This input was fully considered by the Commission and forms the basis for the recommendations and suggested strategies contained in this report.

2.1. Internal Constituencies Input

2.1.1. Campus Visits – Early in the UNC Tomorrow Initiative, President Bowles, members of the General Administration Council, and the UNC Tomorrow staff visited all 17 constituent institutions to learn from students, faculty, staff, and administrators what current campus activities are already directed at meeting the needs of their region and the state, and to identify both barriers to and opportunities for increased public engagement. Reports from each campus visit were prepared and made available to the Commission, Scholars Council, campuses, and public (via the UNC Tomorrow website at www.nctomorrow.org), and are listed in Appendix [A].

2.1.2. Faculty Input – During October and November 2007, President Bowles, members of the Scholars Council, members of the General Administration Council, and UNC Tomorrow staff conducted forums with the faculty of all 17 constituent institutions to listen to their concerns and suggestions regarding the major challenges facing their campuses, their regions, and our state as a whole. Staff representatives and students also participated in these forums. In all, approximately 1,000 faculty, administrators, staff, and students attended. Reports from each forum were prepared, and an executive summary of the input received from the faculty was made available to the Commission, the Scholars Council, campuses, and the public (see Appendix [B]).

Faculty input was also sought and received through meetings with faculty leadership, individual emails from faculty, and faculty participation at the Community Listening Forums (described below).

2.1.3. Student Input – UNC Tomorrow utilized 21st-century tools to seek the input of 21st-century students.

³ This figure includes approximately 2,700 attendees at 11 Community Listening Forums, 6,700 survey respondents, 1,000 attendees at 11 Faculty Forums involving all 17 constituent UNC institutions, blog participants, and individually submitted comments delivered by mail and email.

Through a public blog, students offered their perspectives and concerns about their future and their education. For a summary of blog entries, which includes those of members of the public as well as students, see Appendix [C].

Student input was also sought through meetings and discussions with student leaders and presentations by UNC Tomorrow staff at meetings of the Association of Student Governments and other student organizations. Students also participated in the campus visits, the Community Listening Forums (described below) and some Faculty Forums.

2.1.4. Additional Internal Input – Other important internal constituencies provided input on the challenges and opportunities facing their campuses and regions. These constituencies include campus human resource directors, career counselors, chief academic officers, chief financial officers, department heads and other campus administrators, and staff representatives. In addition, many of these constituencies participated in the Community Listening Forums (described below) and in some Faculty Forums. The input from these constituencies was incorporated into the development of the recommendations contained in this report.

Finally, members of the UNC General Administration Council provided information, observations, and suggestions throughout the Commission's work and were instrumental in the development of this report.

2.2. Scholars Council Research and Analysis

2.2.1. Trends and Issues Briefs - During the initial phase of the UNC Tomorrow Initiative, the Scholars Council prepared a series of research briefs that identified major trends and issues impacting North Carolina and UNC, and offered suggestions on potential UNC responses to these trends. Each report includes data and information on notable trends, resulting implications for North Carolina (external impact), and resulting implications for the University (internal impact and opportunities). The Scholars Council reports also addressed the issues that face our state, including economics and workforce readiness, global preparedness, demographic shifts, energy and environmental conservation, health and wellness, public education, regional differences within our state, social issues, and trends in higher education. The Scholars Council briefs and a summary of their suggested responses are listed in Appendix [D].

A video highlighting the major trends identified by the Scholars Council was produced by RedWire Video Productions (Tyler Helikson and Dave Gagnolati), a

Section 2: DATA COLLECTION

company formed by a recent NCSU graduate and current student, with the assistance of Bobby Dobbs at UNC-TV. “Student-produced and scholar-driven,” the UNC Tomorrow video contains data and statistics that underscore the challenges facing North Carolina in areas ranging from economics and global competitiveness to health and environment to public education. The video served as an effective tool in educating audiences on these challenges and stimulating discussion about potential UNC responses.

2.2.2. Analysis of external/public input – A significant amount of input was received from external constituencies through a series of Community Listening Forums and a survey (see description of External Constituencies Input below). The members of the Scholars Council participated in all Community Listening Forums, and at the conclusion of the forums and survey response period, analyzed the input received from the public and identified the major concerns offered by the public to which UNC should respond.

2.3 External Constituencies Input

To best identify what the people of North Carolina need from their public university, the UNC Tomorrow Initiative sought broad input from the public through two primary mechanisms: Community Listening Forums and a public survey. The Commission also received valuable input from the Institute for Emerging Issues’ Business Committee on Higher Education.

2.3.1 Community Listening Forums – During September and October 2007, the UNC Tomorrow Commission hosted a series of 11 Community Listening Forums across the state in urban and rural areas covering each of the state’s major geographic and economic regions. Chairman Phillips, President Bowles, members of the Commission, the Scholars Council, members of the General Administration Council, and UNC Tomorrow staff traveled the state listening to the concerns and suggestions of the people of North Carolina. The Forums were held in:

Greenville	Elizabeth City
Rocky Mount	Charlotte
Fayetteville	Hickory
Wilmington	Asheville
Sylva	
Research Triangle Region (Raleigh)	
Triad Region (Greensboro)	

Approximately 2,700 people attended the Forums and offered a wide range of perspectives on issues facing their communities and regions. The Forums, each three hours in length, were structured to invite full participation by

the attendees, incorporating an “open-mike” period and small group discussions, which were facilitated by members of the Scholars Council and staff from the Small Business and Technology Development Center (SBTDC). The Forums opened with brief comments by Chairman Phillips followed by a short video highlighting major issues facing our state, produced from research by the Scholars Council. Comments from the public were initially offered by five or six community leaders, after which all attendees participated in half-hour small group discussions, and were then invited to offer comments and suggestions during the “open-mike” session. President Bowles then ended each Forum with a summary of the public’s major issues, needs and suggestions. With the exception of brief opening and closing remarks, the forums were entirely devoted to listening to comments offered by the public. Attendees were also given the opportunity to complete the UNC Tomorrow survey.

All Forums were video and audio recorded, and audio recordings of each forum were posted on the UNC Tomorrow website. A video compilation of forum speakers was produced to highlight the major themes expressed.⁴ For summaries of the Community Listening Forums and an executive summary of the major concerns, including an analysis by the Scholars Council, see Appendix [E].

2.3.2. UNC Tomorrow Survey – An informal survey⁵ was developed to provide additional opportunity for public input on the major issues facing their communities and regions and potential UNC responses to these challenges. Delivered primarily online (and also at the Community Listening Forums), the survey generated 6,739 responses. The survey was administered and compiled by the SBTDC. For a summary of the major findings from the survey and the survey results, see Appendix [F].

2.3.3. Institute for Emerging Issues’ Business Committee on Higher Education – In response to the IEI’s 2007 Emerging Issues Forum on Transforming Higher Education, the IEI formed the Business Committee on Higher Education (BCHE). Charged with identifying and conveying to higher education the needs of our state’s business leaders, the 24-member committee, under the leadership of co-chairs Bob Ingram and Ann Goodnight, developed

⁴ Video and audio recordings were done by Tyler Helikson and Bobby Dobbs. The forum highlight video was produced by RedWire Video Productions.

⁵ The UNC Tomorrow Survey was not administered in a manner intended to achieve a representative sample of the whole population, but instead served as an additional mechanism for receiving public comment; survey results are informal and not intended to be statistically valid representations of the views of all North Carolinians.

Section 2: DATA COLLECTION

five key recommendations for how higher education in North Carolina could better respond to the rapidly changing needs of both business and our society. Ann Goodnight presented the BCHE's recommendations to the UNC Tomorrow Commission, and these recommendations have been incorporated into those contained in this report. For a copy of the BCHE's report and recommendations, see Appendix [G].

2.4. UNC Tomorrow Commission Deliberations

In addition to participating in the 11 Community Listening Forums, the UNC Tomorrow Commission met four times to deliberate on and identify the major challenges facing North Carolina. In addition to considering the internal and external input identified above, the Commission also drew upon the diverse and considerable experience and perspectives of its own members. The Commission thoroughly discussed the input received from external and internal constituencies and the research conducted by the Scholars Council, and with the expert advice of the Scholars Council, identified the major

challenges facing North Carolina to which UNC should respond.

2.5 Additional Communication Efforts

In an effort to invite as much input from the public as possible, multiple communication mechanisms were employed. UNC Tomorrow hosted a blog through which participants could comment on issues and offer perspectives and suggestions. Through the UNC Tomorrow listserv, individuals who chose to sign up received updates on the progress of the Initiative and reminders of ways they could participate in the process. UNC Tomorrow staff also made a number of presentations about the Initiative to a wide variety of community and statewide organizations, and during each presentation invited comments and observations from attendees. Finally, media coverage of the Initiative included news reports and editorials, op-ed pieces submitted by members of the Scholars Council, and interviews conducted with Chairman Phillips, President Bowles, Commission members, and others.

Section 3: PUBLIC RESPONSE

Section 3: What did we hear from the public?

The extraordinary response from the public at the Community Listening Forums and through the survey can be attributed to a variety of factors. Of course, the efforts of campuses, SBTDC, alumni groups, professional associations, and other entities in advertising the forums and the survey were instrumental in achieving such remarkable response. However, the high response level ultimately must be attributed to two factors embodied in the people of North Carolina themselves: first, the people of our state are keenly aware of the issues and challenges facing their families, their communities, and their regions, and they care deeply about those challenges. Second, the people of our state have faith in UNC's ability to help address these challenges and are looking to UNC for leadership to transform these challenges into opportunities.

Dr. Tom Ricketts, a member of the Scholars Council, eloquently summarized what was heard from the people of North Carolina in his remarks to the UNC Tomorrow Commission on November 7, 2007.

"...The President and this Commission invited people to tell us what they wanted from the University of North Carolina and the people responded vigorously – and with a clear trust that we would listen to them and, more importantly, hear them.

They trusted us enough that they spoke from their hearts as they described the kinds of things that they feared the most; they told us of the dreams that they had for themselves, their families, and their communities. And they had the courage to tell us how they wanted to see the UNC of the future work – and how it should make a difference in their lives. Anyone who went to these sessions could feel the deep trust North Carolinians feel toward this University and its campuses as they spoke of their problems, their hopes and the vision they saw for their communities and the state.

I think the message they sent to us can be summarized in a few words: frustration, expectation, imagination and inspiration, and finally, creation.

People young and old, rich and poor, came to talk about their frustrations. They were frustrated at the continuing material poverty of their neighbors or their family members who had lost their jobs or were at risk of becoming unemployed. They were frustrated at the cultural poverty of some of their communities, and they wanted to see the University reach into their towns. They

were frustrated at the alienation of young people who couldn't recognize the value of education or even benefit from the schools they were already in. They were frustrated that they couldn't readily access quality medical care because there weren't enough doctors, dentists or nurses. They were frustrated by a reluctance of their neighbors to take risks and to lead where there were opportunities or their inability to get the skills to lead themselves. The people spoke eloquently of their frustrations with what they saw as the future of their state.

They came to the forums with a belief that talking about this frustration could help change things. They came with a sense of expectation that we, the University of North Carolina and its campuses, could change the future. Their trust has led to a set of expectations that we can lead and help make a better future. They have the expectation that the University has the imagination to find the solution to the problems they see and share. They have the expectation that we have the inspiration to do what is needed to deal with the big problems of life. They feel we have the ability to turn imagination and inspiration into creation to solve all these problems.

The people of North Carolina are very aware of the challenges that we all confront. They are concerned about the big problems of life and society, and they look to us to cope with those big problems.

Big problems like educating our children better. They want us to help fix the public schools by training better teachers, developing education leaders, linking the University with their schools, and drawing on our intellectual and material resources to effect real change.

Big problems like making a strong economy and creating jobs. They want us to invent new ways of doing things, create new products, master new skills that are in demand, and teach those skills to everyone who wants them.

Big problems like improving the quality of life. They want us to create the intellectual and artistic climate that makes for a full, meaningful life. They want to make sure that the air is clean and water is available, and they want to make sure that the natural beauty of North Carolina is something their children and grandchildren can enjoy.

Big problems like global competition. They know that what happens in China today is important for them tomorrow; they know our future is tied to a world that is close to even the smallest towns.

They expect us to deal with the big problems, to have the imagination to take on the big problems and to create

Section 3: PUBLIC RESPONSE

solutions.

The people of North Carolina came to us with specific ideas. They want more access to the University, either branch campuses or outreach programs or just a fair shake in getting onto the campuses, and that access has to be affordable. They want access to advancement via master's degrees that are offered where they live. They want to solve the problem of training the leaders of tomorrow by taking advantage of what we have to offer, but they ask that we recognize the realities of life as it's lived today in their communities with the pressure of having to work and learn at the same time.

They want us to teach the skills that are in demand: engineering, nursing, entrepreneurship, and skills for sustainable environments. They want those college level skills for entry into the workplace, as well as the skills for the next step up so that they can teach those skills to the next generation.

These people who have trusted us with their fears and frustration have also blessed us with their ideas and their vision for the future. These people who are our customers are speaking loudly and expecting a lot. They are asking for service, the service of the University to solve the big problems they recognize, but no one asked us to lower our

standards. In fact, they want us to raise our standards because they are asking for performance from our teaching, our research, and our service. In short, they are asking us to improve our game.

We are duly challenged by the customers, and our customers know our business. They want to see change in our curricula and how we teach. They want to see us reward results in the way we hire and promote faculty. They want us to communicate with them and their communities and to teach our students how to communicate. They want us to build buildings that last, are useful and used, and which don't hurt the environment. They want us to study the future by shaping it.

We, the University of North Carolina, need to make sure that the imagination we have to create solutions is not buried in the American Journal of Academic Disciplinary Discussion, but in the American Journal of Making Things Happen. The most important place for us to have our work appear is in that special place that grants tenure to all of us, in the hearts and minds of all the people – the American Archives of Life. We need to keep working on the things that will find a place in the American Journal of Getting Things Done. I think our universities are ready and up to the task. Let's start."

Section 4: FINDINGS

Section 4: What are our major findings?

In the following section, we offer our major findings, recommendations, and suggested strategies as compiled from the various sources of input discussed above. Our major findings are clustered in seven categories:

- 4.1 Our Global Readiness
- 4.2 Our Citizens and Their Future: Access to Higher Education
- 4.3 Our Children and Their Future: Improving Public Education
- 4.4 Our Communities and Their Economic Transformation
- 4.5 Our Health
- 4.6 Our Environment
- 4.7 Our Universities' Outreach and Engagement

The following construct for the findings of the Commission is best framed by the analysis of Dr. Jim Johnson, a member of the Scholars Council. Historically, public investments in either “people-based” or “place-based” strategies have dominated our country’s efforts to bring about transformative change ranging from social (the civil rights movement) to educational (the GI Bill) to economic. At various points in our nation’s history, public investments in both “people-based” and “place-based” strategies have been pursued simultaneously.

Our review and evaluation of the information gathered over the past six months via the research of our Scholars, listening to the public and our own faculty, online surveys, and dialogue among ourselves, suggest that the people of North Carolina are asking UNC to simultaneously invest in both “place-based” and “people-based” strategies that will enhance North Carolina’s globally competitive position; that is, its attractiveness as a place to

live and do business in the years ahead.

Against this backdrop, to effectively communicate what we found through our research and what we heard from the people of North Carolina, the UNC Tomorrow Commission must answer three essential questions:

1. How can UNC assist in making the state, the various regions of the state, and local communities more globally competitive?
2. How can UNC make the residents of North Carolina more competitive as private sector employees, civil servants, entrepreneurs, business owners, community leaders, and citizens at-large in the knowledge-intensive and speed-driven economy of the 21st century?
3. What changes are needed internally within the UNC system to ensure that its 17 constituent institutions and its affiliated entities are able to mobilize and refocus the requisite resources to help North Carolina, its citizens, and its communities become more globally competitive?

Answers to these questions should provide a strategic roadmap regarding how UNC, if properly re-positioned to be more engaged in solving pressing societal problems, can leverage its substantial intellectual capital to help the state, the various regions of the state, and local communities (place-based strategies), as well as all North Carolinians (people-based strategies), thrive and prosper in the highly volatile global environment of the 21st century.

The following sections contain the UNC Tomorrow Commission’s recommendations. Each recommendation is followed by a list of suggested strategies, which are offered for consideration as potential options for achieving that recommendation.

Section 4: FINDINGS

4.1 Our Global Readiness

Major Finding: UNC should educate its students to be personally and professionally successful in the 21st century and, to do so, should enhance the global competitiveness of its institutions and their graduates.

Educating students to succeed both professionally and personally in today's rapidly changing, knowledge-based global economy is critical to our state's future. North Carolina no longer competes just with states in our own country, but with countries around the world. It is imperative that UNC educate students that possess the unique combination of "hard skills," "soft skills," and innovative ability. Equally important, UNC must strengthen the global competitiveness of its own institutions so that they can remain on the cutting edge of innovation, discovery, and learning.

Shortage of College Skills Among Workforce

If North Carolina is to succeed in the global economic and knowledge race, forecasts indicate more and better education will have to be provided to more people. By

63% of employers nationally think most college graduates lack skills needed to succeed in today's global economy. 61% of college graduates nationally think their college education did not prepare them for success in today's global economy.¹

2020, the shortage of workers with college-level skills in the U.S. will increase to more than 14 million.⁶ To fill the demands for more educated workers in our state, the North Carolina Commission on Workforce Development estimates the state will have to produce annually 15,000 more workers with at least a bachelor's degree and 19,000 more workers with a two-year degree than it is currently. While about 33% of

North Carolina's college-age students are enrolled in college, this rate is only 69% of that in South Korea, and is also lower than the rates in Greece, Finland, Ireland, and Poland.⁷ Moreover, these graduates must possess the "hard skills" that are relevant to the global economy and to dynamic

⁶ *Economic Development America, 2006.*

⁷ *The National Center for Public Policy and Higher Education (2006). The State Report Card on Higher Education in North Carolina.*

business needs, such as expertise in science, mathematics, and technology.⁸ However, in the U.S. only about 16 % of undergraduate degrees are awarded in the "STEM" fields (science, technology, engineering, and math), while in China more than 50% of undergraduate degrees are in these fields.⁹

About 33% of North Carolina's college aged students are enrolled in college – only 69% of the rate in South Korea. North Carolina also lags behind Greece, Finland, Belgium, Ireland, and Poland.²

Shortage of "Soft Skills"

Additionally, today's college graduates need to develop "soft skills" – those capabilities including the ability to think critically, reason analytically, solve problems, communicate clearly both orally and in writing, work in teams, and be comfortable within a diverse workforce.¹⁰ These skills, which are critical to lifelong learning and professional growth, have become a necessity as economic sectors, occupations, and job characteristics continue to change more rapidly today than in the past. In many instances, it is proficiency with the soft skills, along with the ability to think innovatively and creatively, that will carry students from one job or career to another. The technical skills required of students are changing so rapidly that we are preparing students today to work in jobs that do not yet exist, with technologies that have not yet been invented, to solve problems that are still unknown. What will not change, however, is the need for the critical soft skills mentioned above. In fact, when the Institute for Emerging Issues' Business Committee on Higher Education surveyed North Carolina business leaders in 2007, 50% of the respondents indicated that the specific technical work skills required by their companies' employees will change significantly within the next two to five years.

Members of the public who spoke at the UNC Tomorrow

⁸ *The Institute for Emerging Issues, 2007, Transforming Higher Education: A Competitive Advantage for North Carolina, A Report from the Institute for Emerging Issues.*

⁹ *Kuenzi, Mathews, and Morgan (2006). Science, Technology, Engineering, and Math (STEM) Education Issues and Legislative Options. CRS Report to Congress, May 2006.*

¹⁰ *September 2004, Report of the National Commission on Writing: A Ticket to Work or a Ticket Out – A Survey of Business Leaders.*

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Table 1: Critical Knowledge and Skills for Global Competitiveness

Knowledge and Skills	Average Rating (on scale of 1-10)
Honesty and integrity	9.37
Professionalism and work ethic	8.70
Critical thinking and reasoning	8.57
Ability to use technology	8.50
Written communication	8.43
Innovative thinking and creativity	8.30
Teamwork	7.99
Gathering and organizing information	7.98
Cultural awareness and understanding	7.04
Knowledge of a foreign language	6.09

Community Listening Forums repeatedly encouraged UNC to better prepare students for today's workplace, emphasizing the need for soft skills development, such as oral and written communication and increased global awareness. Respondents to the UNC Tomorrow survey also identified knowledge and skills they consider important in today's globally competitive workplace.

Of course soft skills are important and while the phrase 'soft skills' may be new, the skills are not. It has always been important for employees and good citizens for that matter to be able to think on their feet, interpret a chart, get to work on time, be organized and work well with others.

— UNC Tomorrow blog post

If we accept the problems of the lack of soft skills in college graduates and new hires in the public and private sectors, and couple that with the explosion of college applications from immigrant populations and international students, we are faced with a crisis in communication instruction beginning at the elementary level, through high school and college, and continuing into the workplace. This crisis has direct economic consequences:

- The writing weak-

nesses of incoming college students cost American campuses up to \$1 billion annually.¹¹

- Training professionals to write more effectively may cost American firms as much as \$3.1 billion annually.¹²
- The writing deficiencies of state government employees

across the country cost taxpayers nearly a quarter of a billion dollars annually (based on an average cost of \$400 per employee for eight hours of training).¹³

In addition to these findings about writing, literacy levels (reading abilities) also are critical factors in job and life success. According to the 2005 Literacy in Everyday Life: Results From the 2003 National Assessment of Adult Literacy conducted by the U.S. Department of Education, adults with

higher literacy levels are more likely to be employed full time and less likely to be out of the labor force than adults with lower literacy levels. Those with lower literacy skills also earn lower incomes and are more likely to be employed in service occupations. Women with higher levels of literacy are less likely to have received public assistance than women with low levels of literacy. If they received public assistance, they did so for a shorter amount of time than women with lower literacy levels.

Consequences of the Lack of Literacy and "Soft Skills"
Without change, we will continue to create a workforce in our state that is ill-prepared for the non-technical aspects of employment and life. North Carolina businesses will continue to pour millions of dollars into training our graduates – dollars that could have been put to other productive uses. The University has a responsibility to graduate students who are prepared for the challenges of life and work.

To keep pace with these global demands, higher education must adapt and improve its curriculum and teaching methodologies. Ninety percent of employers think colleges and universities need to improve the quality of student achievement to ensure America's global

¹¹ Report of the National Commission on Writing: *The Neglected "R": The Need for a Writing Revolution and Writing and School Reform* (April 2003).

¹² Report of the National Commission on Writing: *A Ticket to Work or a Ticket Out – A Survey of Business Leaders survey responses*, (September 2005).

¹³ Report of The National Commission on Writing: *A Powerful Message from State Government* (July 2005).

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90% of employers think colleges and universities need to improve the quality of student achievement to ensure America's global competitiveness.³

competitiveness.¹⁴ While IEI BCHE survey respondents rated the overall preparation of graduates from our state's community colleges and UNC as at or above average, 55% noted that improvement is needed in basic soft skills, reading comprehension, and math.

RECOMMENDATIONS AND SUGGESTED STRATEGIES

4.1.1. UNC should prepare its students for successful professional and personal lives in the 21st century, equipping them with the tools they will need to adapt to the ever-changing world.

Suggested Strategies:

- Improve student proficiency in "soft skills" including oral and written communication, critical thinking and analytical reasoning, problem solving, creativity and innovation, teamwork and collaboration, work ethic and professionalism, financial literacy, information literacy, and digital literacy.
- Improve student proficiency in 21st-century knowledge emphasizing science, technology, engineering, and math (STEM).
- Create a statewide task force that partners with business, nonprofit organizations, and faculty to develop a strategic plan for integrating the soft skills throughout the curricula from general education through majors and graduate (master's) programs by:
 - Identifying existing successful UNC centers and programs to serve as models of areas of soft skills development throughout UNC (example: UNC Charlotte's Center for Applied and Professional Ethics).
 - Creating a statewide council of faculty and writing directors from across UNC to identify successful strategies for writing and literacy programs and to work with appropriate faculty to improve campus programs and enhance students' writing and literacy competencies.
 - Developing ways that business can strengthen its role in providing resources (people and dollars) to assist universities in preparing students to enter the workforce.
 - Recognize and reward the role of the humanities and arts education in developing soft skills by strengthening the commitment of resources to the liberal arts.
- Increase emphasis on entrepreneurial thinking and

learning skills for UNC students to equip them to adapt to the rapidly changing economy.

- Provide appropriate faculty development opportunities and support to encourage faculty to use pedagogical methods that have been proven to be more effective with the changing student population (active learning, collaborative teams, problem-based learning, client-based projects, etc.).
- Incorporate experiential learning opportunities across degree programs and throughout curricula through such activities as internships, "job-shadowing," undergraduate research, community and service projects, project-based and active learning, work-study programs, study abroad, and business mentors.
- Promote and reward civic engagement, leadership, and community service among students, faculty, and staff.
- Develop tools that assess and verify students' understanding, application, and mastery of 21st-century life skills needed in every professional endeavor.
- Maximize resources of career centers on campuses and integrate career counseling with academic advising.

"We want T-shaped employees – deep in one subject, but broad across other subjects."

- Raleigh Forum

4.1.2. UNC programs, especially research programs, should be globally competitive to ensure that they

are globally relevant and significant.

Suggested Strategies:

- Maintain and strengthen the quality and high standards of academic curricula, research, and scholarship activities to world standards of excellence.
- Continue to expand basic and applied research activities consistent with the priorities and missions of UNC campuses.
- Encourage faculty, when appropriate, to make their research available to the public at-large on a local, national, and global basis in language that the public can understand and use.

4.1.3. UNC should promote increased partnerships between its own campuses and international universities and enhance the global awareness of its faculty and students.

Suggested Strategies:

- Provide more opportunities for faculty to participate in international collaborations and travel overseas.
- Provide more opportunities for students to work, study,

¹⁴ Peter D. Hart Research Associates, Inc., 2006.

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and experience different cultures overseas, and promote foreign student exchange programs to increase the number of foreign students visiting UNC institutions.

- Set percentage goals to provide international experiences for our faculty and students.
- Utilize technology to create “virtual” international experiences.
- Increase student proficiency in foreign languages, including through language immersion programs.
- Expand students’ global and cultural awareness that

includes an understanding of diverse cultures but also stresses the commonality of human problems through such efforts as:

- Taking to scale successful existing UNC programs that focus on global awareness and global education.
- Incorporating global awareness into the general education curriculum, and encouraging all majors and graduate programs to incorporate global awareness into their curricula.

“Leaders who can think creatively are more successful because they can rise above the predictable responses to problems.”

– Charlotte Forum

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4.2. Our Citizens and Their Future: Access to Higher Education

Major Finding: UNC should increase access to higher education for all North Carolinians, particularly for underserved regions, underrepresented populations, and non-traditional students.

Increasing access to higher education is critical to North Carolina's future. As our state continues to transform socially and economically in today's 21st-century, knowledge-based global environment, higher education attainment becomes increasingly important for rising numbers of our population. There are, however, regions of North Carolina and certain population groups that face significant obstacles to successfully attaining post-secondary education, including low- and moderate-income students, African-American males, and our state's rapidly growing Hispanic student population. Moreover, the dynamic changes in today's workforce, coupled with the significant numbers of aging baby boomers, creates an increased demand for higher education among working adults, non-traditional students, and lifelong learners. Finally, as North Carolina's population continues to grow, so does UNC's student population, which is expected to increase by 80,000 new students by 2017. These factors will significantly impact UNC in the years to come, and require strong, innovative approaches to accommodate not only more students, but more diverse students in more regions of our state.

Underserved Regions

Significant differences in economic opportunity and growth exist among our state's regions. Population growth has not been even:

- In 2006, the Charlotte region, Research Triangle area, and the Piedmont Triad accounted for nearly 62% (5.47 million) of the state's population. By contrast, the Northeast region accounted for only 4% (358,000).

Employment opportunities mirror population growth:

- In 2006, the Charlotte region, Research Triangle area, and the Piedmont Triad accounted for almost 64% (2.72 million) of all jobs in the state while the Northeast region accounted for fewer than 4% (163,000).

Not surprisingly, income levels also mirror these trends:

- In 2005, average wages were the highest in Charlotte (\$40,930), the Research Triangle area (\$40,370), and the Piedmont Triad (\$34,175) while the lowest average wages were in the Northeast region (\$26,412).

These population and economic trends mirror current UNC student enrollment. The largely urban I-85 corridor from Mecklenburg to Wake County consistently has produced a disproportionately large percentage of

statewide UNC enrollment. In fact, just four counties accounted for more than one-third (35.6%) of all full-time, in-state UNC system enrollment: Wake (13.3%), Mecklenburg (10.3%), Guilford (7.2%), and Forsyth (4.8%).¹⁵

Despite UNC's broad statewide presence – 17 constituent campuses, 100 Cooperative Extension Service Offices (one in every county), and a number of other facilities and programs, there are still regions of our state that do not have full access to UNC's educational programs, most notably in rural North Carolina. Speakers at the Community Listening Forums in rural areas spoke of their hopes that UNC could help reduce the effects of the education divide, whereby many rural students do not appreciate the value of higher education, and those who do often leave for school elsewhere and do not return. They expressed a strong desire to have UNC provide more educational opportunities closer to, and preferably in, their communities, where long commutes to the closest UNC campus effectively bar access to higher education. Particularly strong calls for establishing a branch or satellite campus of UNC were heard from residents of Rocky Mount, Hickory, Henderson County, and Onslow County.

Speakers at all Forums expressed the need for more innovative degree and program delivery. For example, distance education and online courses, individual classes to obtain a skill or increase subject knowledge, and part-time evening classes were appealing to more than 80% of the UNC Tomorrow survey respondents, and 72 % of respondents ranked increasing distance education and online course offerings as the number one way in which UNC could have the greatest impact on their community. These innovative delivery mechanisms allow UNC to serve more students in more areas of the state. However, speakers at some rural forums cautioned that the lack of broadband internet access in their communities limited their ability to take advantage of online courses, and others indicated that online courses could not fully replace the "face-to-face" classroom experience.

Easing the transition from the public schools and community colleges was conveyed by Forum speakers as particularly important. Many expressed frustration at the difficulty in transferring from a community college to a UNC institution and urged UNC to develop a more "seamless" relationship with its community college partners. Others emphasized a need to better educate public school students, especially those in rural schools, about the available means for and advantages of college attendance.

¹⁵ Fall 2006 UNC student enrollment figures.

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Low- and Moderate-Income Students

A profile of family socio-economic circumstances of the under-18 population in North Carolina, extracted from the Census Bureau's 2004 American Community Survey, underscores the daunting task that lies ahead in North Carolina higher education, as our more diverse youth population ages into traditional college years. Table 2

below shows the percentage of children under 18 who come from families earning less than \$30,000 annually, from families lacking college experience, and from families who do not own their own home. Note that the current Hispanic population under 18 has the highest percentage in every category.

Table 2: Socio-Economic Status by Populations Under 18 Years of Age

Under 18 Years of Age	Families Earning Less than \$30,000 Annually	Parents Lacking College Experience	Families Earning Less Than \$30,000 Annually and Lacking College Experience	Families Do Not Own Their Home
All children	32.0%	44.0%	55%	34.0%
Non-Hispanic Caucasians	19.7%	35.8%	43.7%	21.6%
Non-Caucasian	50.3%	56.4%	72.8%	54.7%
Hispanic	52.3%	75.0%	84.1%	56.0%

Children who grow up in these circumstances are highly unlikely to have either the financial resources to pay for college or the support and guidance – from family members and mentors as well as academic and social support programs – necessary to enable them to matriculate and graduate from college. In some instances, parents with limited economic resources are able to leverage the equity in their homes to finance college for their children; however, as Table 2 also indicates, leveraging home equity to finance higher education is often not realistic for these families.

A number of public and private colleges and universities, including the University of North Carolina at Chapel Hill, North Carolina State University, Appalachian State University, and the University of North Carolina at Wilmington, have launched initiatives designed to allow eligible low-income students to pursue higher education and graduate debt-free. This is a step in the right direction. However, if North Carolina colleges and universities are to improve both participation and graduation rates of the racial and ethnic groups, as well as the low income students likely to experience the greatest growth in the years ahead, such programs, or others designed to make college more affordable, will need to be expanded to all UNC institutions. This need also exists for moderate-income students, whose families earn just enough income to disqualify them from most federal and state need-based

financial aid programs, effectively barring them from attending college. Ensuring equality of access to higher education for a much larger number of underrepresented students will go a long way toward enhancing the state's competitiveness in the global marketplace.

Underrepresented Populations – African-American Males

Statistics on academic tracking, academic performance, and educational outcomes for African-American males are troubling:

- In 2005-06, African-American males represented 15.8% of all students in North Carolina public schools. But they were grossly over-represented in special education (30% of all students) and remedial education (23% of all students) – typically perceived as the non-college bound tracks – and grossly under-represented in Honors (8.2% of all students), Advanced Placement (4% of all students) and International Baccalaureate (3.0% of all students) programs – the academic tracks that serve as gateways to college.
- Almost two-thirds (63%) of African-American male fourth-graders performed below the basic level in reading (compared to 38% of all fourth-graders), and 65% performed below the basic level in science (compared to 35% of all fourth-graders) in 2005.
- 59% of African-American male eighth-graders performed below the basic level in reading (compared to

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31% of all eighth-graders), and 75% performed below the basic level in science (compared to 47% of all eighth-graders) in 2005.

- African-American/multi-racial males represented 16% of the overall student population, but accounted for 39% to 46% of long-term suspensions between 1999-00 and 2003-04.

- Poor academic performance, especially in reading, and long-term suspensions are correlated with dropping out of school. In 2005-06, African American males accounted for 15.8% of all students in the North Carolina public school system, but 22% of all high school dropouts and 63% of all African-American high school dropouts.
- In part as a function of the low percentage of African-American males in high school academic prep tracks, and partly due to their high dropout rates, African-American males accounted for only 8.8% of all full-time undergraduates and 36% of all full-time African-American undergraduates in two- and four-year higher education institutions in 2003.

The economic costs of failing to educate the African-American male are staggering: the average difference in the lifetime earnings of an African-American male high school dropout and an African-American male high school graduate is estimated at \$433,347. The average difference in the lifetime earnings of an African-American male high school graduate and an African-American male college graduate is \$618,711. Moreover, African-American males who perform poorly in school are more likely to be

African-American males make up 14% of total public school enrollment in our state, and:

- 22% of high school dropouts
- 30% of special education students
- 8% of Honors students
- 9% of full-time college students⁴

unemployed or under-employed, live in poverty, and end up in the criminal justice system than their counterparts who graduate from high school and pursue post-secondary education. They are also less likely than their better-educated counterparts to form and maintain stable families.

Underrepresented Populations - Hispanics

North Carolina led the nation in immigration population change during the 1990s, and the state's foreign-born population, primarily among Hispanics, has continued to grow rapidly since 2000. Over the past 15 years, the state's total immigrant population increased by 387% (primarily among Hispanics), while its native-born population increased by only 21%.

Population diversity in North Carolina has been further propelled by high birth rates among Hispanics and other immigrants. Between 1990 and 2003, Asian or Pacific Islander births increased by 195.2%, and Hispanic births increased by 816.8%. Both of these birth rates far outpaced that of all other residents of the state (13.2%); Caucasian births during this same period grew by only 1.4%, and African American births actually declined by 11.6%. Because of the rapid increase in Hispanic births, the Hispanic share of all North Carolina births increased from 1.6% in 1990 to 13.6% in 2003. During the same period, the Hispanic share of the population under age five in North Carolina increased from 1.9% to 14.1%.

Table 3: North Carolina Births by Race/Ethnicity, 1990 and 2003

	1990	2003	Change (%)
All Races	104,525	118,308	13.2
White	69,512	70,458	1.4
Blacks	30,726	27,170	-11.6
American Indian	1,516	1,637	8.0
Asian/Pacific Islander	1,052	3,106	195.2
Hispanic	1,754	16,084	817.0

Source: Centers for Disease Control, National Vital Statistics Reports, 1990 and 2003.

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"We are creating a permanently disadvantaged class of people in this country... I can think of no worse a situation than to have our fastest growing population [Hispanic] also be our least educated."

— Triad Forum

These developments have dramatically changed the racial and ethnic composition of North Carolina's population. Between 1990 and 2005, the state's Hispanic (594.8%), Asian (193.7%) and Pacific Islander (52.3%) populations grew much more rapidly than the Caucasian (19.9%) and African-American (21.2%) populations.¹⁶

In part because of these shifting demographic dynamics, the traditional college-age population (18 to 24) is projected to grow much more rapidly over the next four decades than in the 1990s, but this growth will not be evenly distributed across the racial and ethnic groups that make up North Carolina's population. The Caucasian share of the traditional student-age population will decrease while Asians, American Indians, African-Americans, and Hispanics will increase. The greatest growth will occur among Hispanics.

These shifts have significant implications for our state's educational system. By 2017, 30,000 additional students are projected to graduate from North Carolina high schools. Hispanic youth will account for nearly three-quarters (73% or 22,000) of these students. Because a significant number of students come from lower socioeconomic backgrounds (more than half of the Hispanic students in our state come from families with annual incomes of less than \$30,000, who don't own their homes, and whose parents have no college experience), their access to higher education may be blocked.

These shifts also have significant economic and workforce implications for our state as our native-born population (median age 36), especially non-Hispanic Caucasians (median age 39), continues to age out of the work force, resulting in an increased

By 2017, 30,000 more students will graduate from North Carolina public high schools, of which 22,000 will be Hispanic.⁵

reliance on Hispanics (median age 25), all immigrants (median age 34), and minorities (median age 29) to fuel future economic growth and development in the state. This trend has already started – Hispanics filled one in three new jobs created in North Carolina between 1995 and 2005.¹⁷ Given the increasing importance of higher education to economic competitiveness in today's knowledge-based global economy, limiting access to affordable higher education for our state's growing Hispanic population raises serious concerns about our state's ability to remain competitive in the years ahead. Moreover, the current obstacles, both educational and financial, that Hispanic students face in pursuing higher education threaten to relegate them to permanent underclass status, which has serious social and fiscal implications, including increased social services and criminal justice costs.

Changing Workforce and Aging Population

At the same time that Hispanics and other immigrants are transforming the racial and ethnic complexion of the state, our native-born population is aging. In 2005, nearly half of the state's native-born work force were either aging baby boomers (born between 1946 and 1964 – 26.5%) or pre-boomers (born before 1946 – 17%). Currently, 1 out of every 5 workers in North Carolina's non-immigrant workforce is over the age of 61. This dramatic trend creates a demand for increased higher education by two groups: employers and employees seeking to fill the huge workforce gaps resulting from baby boomer retirements, and baby boomers seeking personal enrichment and new professional opportunities.

As the rate of technological change and the pace of globalization continue to accelerate, coupled with growing workforce gaps as baby boomers retire, greater demand will be placed on North Carolina universities to accommodate a growing number of adults who will need to retool and upgrade their skills in order to compete for new jobs in a rapidly changing economy. This need was expressed in the UNC Tomorrow survey, where 64% of respondents indicated that advancing their education would improve job opportunities or increase earning potential. One can see signs of the likely increase in the

¹⁶ Data in the preceding paragraphs derived from the Census Bureau's 1990 census data and 2005 American Community Survey.

¹⁷ *The Economic Impact of the Hispanic Population on the State of North Carolina*, Frank Hawkins Kenan Institute of Private Enterprise, University of North Carolina at Chapel Hill (January 2006), and 2003.

¹⁸ U.S. Census Bureau, 2005 American Community Survey.

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demand for lifelong education services in recent long-term unemployment statistics, which demonstrate that, as the pace of economic change accelerates, a traditionally earned college degree is no longer the end point of education.

The adult population (25 and older) will drive the demand for lifelong education in the future. Pivotal here will be the huge cohort of baby boomers

who are now entering their 50s and 60s. Growing numbers of them have been out of college for 30 years or more and are searching for intellectual and skill revitalization. A substantial portion is sufficiently well-off to be retiring early. (In fact, the average retirement age for college graduates is declining.) This group, which holds more than half of the disposable income in the country, constitutes a major demographic market now being targeted by the business world. Were they to become re-engaged in higher education, they could also be extremely valuable in bringing real-world experiences and perspectives to classroom discussion and debate, and could be a source of financial support for our universities in the future.

RECOMMENDATIONS AND SUGGESTED STRATEGIES

4.2.1. UNC should increase access to its educational programs – including academic courses, degree programs at all levels, and certificate programs – for traditional students, non-traditional students, and lifelong learners.

Suggested Strategies:

- Broaden and innovate delivery of courses and degree programs through additional online and distance education programs (including expanding online courses and degree programs offered through University of North Carolina Online), evening and weekend classes and

Baby boomers are aging.

Today, in North Carolina's non-immigrant workforce 1 out of every 5 workers is over age 61.

Today, in North Carolina's public universities 1 out of every 5 faculty members is over age 61.

This year, in America over 10,000 people will turn 55 – every day.⁶

programs, improved facility utilization (class and course scheduling and academic calendar innovations), and other flexible options such as courses of varying length (example: intensive six week courses) that meet the needs of working adults and targeted groups such as full-time employers, corporations, government agencies, and the military.

- Explore the feasibility of establishing satellite campuses and higher education centers, especially in high-need underserved areas.
- Recognize that the lack of access to full broadband internet service in some regions of the state limits access to online and distance education programs at the K-12, community college, and University levels, and utilize existing resources (such as MCNC – formerly the Micro-electronics Center of North Carolina) in increasing broadband access.
- Secure funding for year-round enrollment to maximize use of existing facilities and accelerate students toward degree completion.
- Promote the development of collaborative partnerships with corporations, military bases, and other entities in which appropriate degree and continuing education programs are developed and offered to these identified pools of learners.
- Develop more partnerships with private colleges and universities (example: joint degree programs).
- Encourage increased utilization of UNC's historically black campuses by all of the state's population, including strategies for increased recruitment of high-achieving public school students for enrollment in HBUs.
- Research and develop evidence-based strategies to engage individuals who are not pursuing higher education to re-enter the education system.

Two of the most important ideas for campuses to embrace are more online, video, and cable courses, as well as better implementation and integration of summer programs across many disciplines.

— UNC Tomorrow blog post

4.2.2. UNC should continue ongoing efforts with the North Carolina Community College System to strengthen and streamline articulation between the two systems to develop a more seamless relationship.

Suggested Strategies:

- Strengthen and broaden the comprehensive articulation agreement to ensure more seamless transition for students

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transferring between community colleges and UNC institutions.

- Improve academic advising for community college students to better prepare them for transfer to a four-year degree program/institution.
- Explore the use of electronic advising on course and degree requirements across the community college and UNC systems.
- Increase the number of 2+2 programs and other joint programs between UNC and community colleges.
- Support the Community College System's efforts to increase associates degree offerings.
- Support increased funding for community college faculty and classes in core and high-need curricula.
- Explore use of joint and shared facilities on both community college and UNC campuses.

4.2.3. UNC should be a model for accommodating the needs of persons with disabilities, including students, faculty, staff, and the general public.

Suggested Strategies:

- Regularly review UNC's physical and other accommodations to ensure full compliance with all applicable state and federal laws.
- Ensure appropriate accommodations are available at all University-sponsored events.

4.2.4. UNC should maintain affordability and increase financial aid options.

Suggested Strategies:

- Reaffirm commitment to the affordability of UNC.
- Increase, diversify, and target financial aid opportunities.
- Communicate more clearly all information about financial aid options and processes, especially to middle and high school students, parents, and educators.
- Ensure that student tuition and fees are more directly aligned with the core missions of UNC.

4.2.5. UNC should increase the educational attainment of all underrepresented populations, especially African-American male and Hispanic students.

Suggested Strategies:

- Investigate where UNC is losing representation in its student enrollment compared to the general population, such as among male students, and identify specific strategies for increasing the educational attainment of those underrepresented populations.
- Develop strategies to address the unique problems confronting the state's African-American male population, including:

- Leveraging UNC expertise to identify specific intervention strategies including recruitment and retention strategies.
- Inventorying existing efforts within the UNC system and assessing their effectiveness.
- Exploring best practices nationally.
- Working with our state's public school system to improve educational outcomes for African-American males.
- Devising strategies to increase the minority presence in higher education, particularly African-American males.
- Increasing the number of African-American faculty at all UNC institutions and helping increase the number of African-American public school teachers.
- Identifying within the UNC system existing successful outreach and student recruitment efforts within the African-American community.
- Identify specific strategies for serving Hispanic students and increasing their educational attainment, including:
 - Collaborating with private entities, including philanthropic organizations and businesses, to identify and increase scholarship opportunities for Hispanic students.
 - Focusing research efforts on the impact of the growing Hispanic population and issues related to their educational attainment, including undocumented students.
 - Increasing the number of Hispanic faculty at UNC institutions.
 - Examining whether and under what circumstances, if any, undocumented students who graduate from North Carolina high schools and who are academically qualified for admission to a UNC institution should be charged in-state tuition. In doing so, the University should examine the associated legal issues. It should also research and assess the economic and social impact on the state and the potential cost to North Carolina taxpayers of providing an affordable college education to undocumented students, versus the ongoing costs to the economy and well-being of North Carolina that result from the lack of higher educational attainment among undocumented students.
- Identifying within the UNC system existing successful outreach and student recruitment efforts within the Hispanic community.
- Exploring best practices nationally that successfully improve Hispanic student educational attainment.
- Working with the K-12 system to improve educational outcomes for Hispanic students.

Minority students make up 43% of total public school enrollment in our state and 85% of enrollment in North Carolina's 50 lowest performing public schools.⁷

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4.2.6. UNC should help ensure that all students are better prepared to enter and succeed academically in college.

Suggested Strategies:

- Maintain and increase the quality of a UNC education.
- Raise admission standards, expand conditional admission programs, work with the Community College System to accept more students not yet ready to enter a university, and hold all UNC institutions to high academic standards.
- Provide better information about college admission requirements and offer stronger academic advising at the middle and high school level.
- Develop a clearer public understanding of “college readiness” in its many forms so that expectations for college attainment are better understood.
- Upgrade and expand college-readiness programs such as summer bridge programs, early college programs, and

online Learn and Earn and early college programs for high school students.

- Implement, monitor, and assess ongoing initiatives to improve graduation and retention rates.
- Strengthen programs that provide additional academic support to students, especially freshmen, in need of special assistance.
- Collaborate with the NC State Board of Education and the NC Department of Public Instruction on improvements to our state’s public school system.
- Improve student advising at the public school, community college, and University levels to build better awareness about career options, workforce demands, and “soft skills” needed for success in the 21st century economy (example: fully utilize CFNC’s Bridges Program).
- Remove barriers to seamless transition between community colleges and UNC institutions.

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4.3. Our Children and Their Future: Improving Public Education

Major Finding: UNC should be more actively involved in solving North Carolina's public education challenges.

Public education was a dominant theme among the concerns expressed by speakers at the UNC Tomorrow Community Listening Forums. Citizens across our state expressed the need for not only more teachers to address the current teacher shortage, but also better-educated teachers who are equipped with the skills to teach successfully in today's classroom.

Those who spoke at the public forums also underscored the importance of quality K-12 public education to the future success of their communities, noting that a strong public education leads to success in higher education. This sentiment was shared by UNC Tomorrow survey respondents, who rated improving public education as the most important challenge impacting the future success of their communities (rating of 8.89 on a scale of 1 to 10), and want to see UNC respond to this challenge (67% of respondents believe UNC should increase programs and technical assistance for K-12 teachers). The IEF's Business Committee on Higher Education echoed the importance of improving public education in our state in finding that "[a] sound K-12 system is our state's most pressing need." Improving our state's public education system is critical to North Carolina's – and UNC's – future success.

North Carolina public schools are challenged by a range of issues, including crumbling infrastructure and shortages of qualified, well-trained teachers. Further complicating matters, the demography of the school-age population is changing dramatically.

Shifting Demographics of the School-Age Population
During the past 20 years, the percentage of Caucasian students in the North Carolina public school system declined from 67.2% (1985-86) to 57.5% (2004-05). This decline has been offset by an increase in the number of Hispanic youth. During that same period, Hispanic enrollment increased by 2,614% (from 3,735 in 1985-86 to 101,380 in 2004-05), while overall enrollment increased by only 24% (from 1,086,130 in 1985-86 to 1,347,177 in 2004-05). Hispanic enrollment growth has been especially strong since the mid-1990s, increasing by 33,933 students between 1995 and 2000 and by 45,148 students between 2000 and 2004. During that four-year period alone, Hispanic enrollment accounted for 57% of total enroll-

By 2015, about 85% of new jobs in the U.S. will require education beyond high school.⁸

ment growth in our state's public school system.

There are both geographic and demographic manifestations of the K-12 public education challenge in our state. Geographically, the crisis is concentrated in schools and school districts with high concentrations of poor, minority, and immigrant children, who will make up a majority of the traditional college-age population in the future. Demographically, the poor performance of African American male students, without respect to the racial and/or socio-economic composition of schools they attend, has reached critical proportions.

Non-Caucasian youth accounted for 85% of enrollment in the state's 50 low-performing schools, compared with 43% of enrollment in all North Carolina public schools in 2005-06. The statistics with regard to these students' preparedness and performance are dire:

- In comparison with a statewide average of 69.1%, only 43% of the elementary, 44% of the middle school, 40% of the high school, and 41% of the charter school students performed at grade level on end-of-course tests in 2005-06.
- Only 46% of the students attending the 14 low-performing high schools took the SAT, compared with 71% of all high school students in the state.
- For students who took the SAT in these 14 low-performing high schools, the average score (825) was 183 points below the statewide average SAT score (1,008).

In most instances, young people who attend predominantly minority public schools do not fully benefit from the rich educational resources — financial and otherwise — that exist in this state. Attending such schools substantially reduces students' odds of qualifying for admission to college and, by extension, of acquiring the skills necessary to compete in the knowledge-based economy of the 21st century.

Teacher Shortage

The Employment Security Commission estimates that North Carolina will need 34,000 additional teachers by 2014. UNC, as our state's primary producer of teaching graduates, must lead in meeting this challenge and do so

By 2017, there will be 80,000 more students enrolled in UNC campuses.⁹

in a way that produces a pool of teachers who more closely reflect the changing demographics of our state (currently 83% of all public elementary and secondary school

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teachers are Caucasian).

The state's shortage of licensed, well-prepared teachers has contributed to poor student performance in our state's low-performing schools:

- Whereas 16% of teachers in all schools in North Carolina are not fully licensed to teach, 25% of the teachers in the low-performing middle and high schools and 35% of the teachers in low-performing charter schools are not fully licensed.
- 23% of teachers across North Carolina have less than three years of teaching experience. In comparison, the state's low-performing schools are less experienced:
- 37% of elementary school teachers have less than three years of teaching experience.
- 35% of middle school teachers have less than three years of teaching experience.
- 28% of high school teachers have less than three years of teaching experience.
- Schools across the state have a 20% teacher turnover rate. In comparison, low-performing schools have higher teacher turnover rates. The rate is 37% in low-performing elementary schools, 30% in low-performing middle schools, and 31% in low-performing high schools.

High School Dropouts

The issue of high school dropouts is of particular concern. Dropping out of high school increases the probability of lower pay, decreased job mobility, involvement in crime, involvement in substance abuse, and pregnancy. Instead of contributing to the economic growth of the region and the state, many dropouts cost the local community, the region, and the state not only revenue, but also in the increased cost of social services and the loss of human resources and labor power.

In 2005-06, North Carolina's dropout rate was 5.04%, an increase of almost 10% from the previous year.¹⁹ That figure represents 22,180 dropouts in grades nine through 12. Almost one-third (32.7%) of all dropouts occurred the ninth grade, with 25.7% of students dropping out in the 10th grade and 22.4% of students dropping out in the 11th grade. Dropout rates increased in frequency as students reached age 16, and 79% of dropouts occurred between the ages of 16 and 18. Male students accounted for almost 60% of all dropouts, the highest proportion ever reported and the largest one-year increase in the proportion on record; that increase is more than twice that of the statistic recorded for female students. Hispanic students dropped out at a rate of 8.69% (the highest of any ethnic/racial group). American Indian students dropped out at a rate of

8.37% and African American students dropped out at a rate of 5.63%. African American males accounted for a disproportionate amount of the increase in dropout count, and the dropout rate for black males increased to 7.01%, an 8.4% increase over the 2004-2005 rate. With the exception of American Indian students, all the groups saw increases in their dropout rates from the previous year.

Those statistics have real economic consequences. During a lifetime, a high school dropout will earn \$200,000 less than a high school graduate and \$800,000 less than a college graduate. Dropouts make up nearly half the heads of households on welfare and half the prison populations. They also are three times more likely than college graduates to be unemployed.

Teenage Pregnancy

Education also plays a critical role in the incidence of teen pregnancy. Teens that are academically behind are three to five times more likely than their peers to become pregnant. Half of all teen mothers drop out of school and never return. Teen fathers are 40% less likely to graduate than their peers. Teen parents are less likely to finish high school and thus are more likely to remain in low-paying jobs and to have difficulty supporting their families.

Those statistics also have direct economic consequences. Families headed by teen mothers are seven times more likely than other families to live below the poverty level. Each teen birth in North Carolina costs taxpayers about \$18,000. Child abuse and child neglect are more likely with teenage parents, and costs for public assistance programs such as Medicaid, WIC, and Food Stamps, are also greatly affected. Studies also indicate there is a higher incidence of birth defects and learning and behavior disorders among babies born to teens, leading to higher medical and social services costs (Focus Adolescent Services, 2000).

Consequences of Gang Activity

Gang activity in North Carolina is on the rise and has serious implications for our state's public schools. Based on the Governor's Crime Commission's Gang Survey of 2004, in 1999 there were 332 gangs in the state with a total membership of 5,068. In 2004, the number of gangs jumped to 387 with a total membership of 8,517. Ages of gang members ranged from 8-50, with the highest concentration of members being in the 16-24 age group and the next highest in the 13-15 age group. African Americans accounted for 26.4% of gang membership, Hispanics accounted for 22.2%, and Mixed Groups accounted for 15.8% (Hayes, 2005). A survey conducted in 1999 by the Crime Commission's Criminal Justice Analysis Center found that nearly 25% of the gang

¹⁹ North Carolina Department of Public Instruction, *Annual Report on Dropout Events and Rates (February 2007)*.

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members at that time were still in the state's public schools.²⁰

UNC can and should play a role in improving the state's low-performing schools, in increasing the educational attainment of minority students — especially African American males and Hispanics — in improving low-performing schools, and in helping address pressing issues such as teen pregnancy and gang activity. Success will hinge, however, on the ability of the state's colleges and universities to forge strategic cross-campus and inter-university partnerships in the areas where public education institutions, especially low-performing schools, need the most help.

RECOMMENDATIONS AND SUGGESTED STRATEGIES

4.3.1. UNC should improve the quantity, quality, and geographic distribution of public school teachers.

Suggested Strategies:

- Review UNC education-degree programs to ensure that UNC education graduates (e.g., teachers) are fully prepared for the challenges (such as student behavior and safety concerns) of today's classroom environment and for new education paradigms (such as technology competencies, cultural and global awareness, and the focus on 21st century skills and knowledge).
- Ensure that UNC education-degree programs fully comply with the N.C. State Board of Education's new standards and program guidelines.
- Increase diversity of UNC faculty and support faculty who educate teachers on how to teach diverse learners.
- Assess the performance of public school students taught by graduates of UNC institutions and by lateral-entry teachers using data and evidence-based evaluations. The data will be used to identify successful UNC institutions and programs, to identify best practices for educating teachers by subject area, and to improve less successful programs.
- Strengthen and accelerate ongoing efforts to expand 2+2 programs with community colleges to help increase the number of teachers in rural and underserved areas, and explore the increased use of online and distance-education programs in conjunction with site-based programs.
- Implement, monitor, and assess the effectiveness of teacher-recruitment plans established for UNC institutions, and continue to enhance teacher recruitment through efforts such as:
 - Reviewing teacher education scholarship loan programs

²⁰ This is based upon 171 surveys out of 492 (34.8%) being returned by the School Resource Officers of the state.

to identify ways in which such programs can be used more effectively in teacher recruitment.

- Exploring the possible establishment of a North Carolina program modeled after Teach For America (perhaps called "Teach for North Carolina") to help attract strong students to the teaching profession.
- Continuing efforts to identify other innovative teacher-recruitment strategies.
- Increase efforts to recruit minority students into the teaching profession.
- Increase content-based professional development programs, as well as mentoring opportunities for teachers with UNC faculty (e.g., NCSU Kenan Fellows program, the Yale Teacher Institutes in the Charlotte-Mecklenburg school system, and the pilot partnership between UNCG, NCA&T and the Guilford County school system).
- Strengthen efforts to encourage foreign language students to major in education to increase the number of public school teachers with foreign language proficiency.

"If I am going to live in a diverse world, I want it to be an educated diverse world."

- Hickory Forum

4.3.2. UNC should help address the shortage of science and math teachers, especially in rural areas.

Suggested Strategies:

- Increase efforts to recruit students into science and math teaching earlier in their lives (even as early as elementary school).
- Provide scholarships for science, technology, engineering, and math (STEM) majors to encourage them to major in education.
- Expand the N.C. Math and Science Education Network (MSEN) across the UNC system and the state, including the Pre-College Program.
- Better utilize the resources and expertise of the North Carolina School of Science and Mathematics, such as:
 - Communicating best practices to science/math teachers statewide.
 - Increasing distance-education capabilities of NCSSM faculty to teach more science and math classes in underserved areas.
 - Increasing geographic diversity of the school's students.
 - Using NCSSM as a "teaching laboratory" for science and math teachers in the state.
 - Better communicating the school's resources to public schools that could benefit from them.
- Explore the possible establishment of regional programs

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modeled on NCSSM in western and eastern North Carolina to enhance science and math teaching.

- Research and assess the effects of differentiated salaries in high-need teaching areas — especially science and math — and work to expand UNC’s differential salary pilot program for science and math teachers in Guilford County, if it is proven successful.
- Develop partnerships with STEM-based private businesses to support employees teaching in STEM areas using the visiting teacher model (e.g., NCSU Kenan Fellows Program).

4.3.3. UNC should strengthen efforts, in cooperation with the North Carolina State Board of Community Colleges and the Community College System, the North Carolina State Board of Education, and the North Carolina Department of Public Instruction, to enhance the teaching skills of public school faculty and the leadership skills of public school administrators.

Suggested Strategies:

- Create professional development programs for teachers to highlight innovative teaching methods (e.g., Gates Foundation New Schools Project).
- Recognize existing paradigms in public education teaching methods and the need for more innovative approaches, and develop reward systems for innovative teaching.
- Increase professional-development programs for public school administrators.
- Deliver more professional-development programs for teachers and administrators, both online and via distance education.
- Inventory and assess all programs in the state that support K-12 teachers and administrators, and identify and address gaps in these support programs.
- Increase the effectiveness of the UNC Center for School Leadership Development.
- Expand opportunities for teachers to participate in programs at different campuses of the N.C. Center for the Advancement of Teaching (NCCAT).
- Research the conditions under which teachers work, with the aim to improve teacher retention and effectiveness.
- Work with the North Carolina Education Cabinet to strengthen its effectiveness.

4.3.4. UNC should leverage its expertise and increase collaborations with the State Board of Education and Department of Public Instruction to lower our state’s dropout rate and improve academic achievement in all North Carolina public schools, especially those that are high-priority and low-performing.

Suggested Strategies:

- Leverage UNC expertise in assisting high-priority and low-performing schools to achieve better academic performance.
- Investigate whether raising the compulsory attendance age to 18 would raise performance.
- Identify through research the causes of dropout trends, particularly at grade levels where dropout rates spike, such as eighth grade.
- Link University research and expertise with state-level efforts to close the achievement gap, (e.g., Legislative Study Commissions).
- Educate students on the need for and value of education to motivate them toward improved academic performance.
- Identify successful programs, and implement them on a larger scale.
- Research early childhood factors that lead to the inability to perform basic reading and arithmetic skills in third or fourth grade, which is when many students begin to drop out “psychologically.”

Out of every 100 8th-graders in North Carolina:

58 graduate from high school
38 attend college
28 return for a second year
18 graduate from college¹⁰

4.3.5. UNC should strengthen partnerships with the State Board of Education, the N.C. Department of Public Instruction, the North Carolina Community College System, and our state’s Independent Colleges and Universities to develop a seamless educational continuum from pre-K through higher education (“Birth-20”).

Suggested Strategies:

- Improve curriculum alignment between high school courses and university and community college general education courses, especially around “soft skills.”
- Improve alignment between high school graduation requirements and college admission requirements.
- Leverage UNC expertise in addressing public education issues, and develop a system-wide structure for inter-institutional collaboration through which faculty research and scholarship can be accessed and applied.
- Continue and strengthen internal communications among UNC, Community College, SBOE, and DPI leadership staff, as well as those of independent colleges

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and universities.

- Support the state's efforts to align high school and undergraduate curricula through the national "Achieve" initiative.
- Develop better student-performance diagnostic tools and innovative learning modules. They can be used to

identify at-risk students earlier in their academic careers and to improve academic achievement. Such tools and programs can be tested through collaborative pilot projects (e.g., proposed collaboration with SAS in the use of its EVAAS²¹ and Curriculum Pathways programs).

²¹ EVAAS is a value-added student performance and assessment diagnostic tool developed by SAS, Inc.

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4.4 Our Communities and Their Economic Transformation

Major Finding: UNC should be more actively engaged in enhancing the economic transformation and community development of North Carolina's regions and the state as a whole.

Throughout the Community Listening Forums, the call for UNC to play a greater role in community development and economic transformation was significant. While the particular economic needs expressed varied from region to region, the theme was the same — increased engagement by UNC in stimulating economic growth and community development as a whole.

This theme also was expressed by UNC Tomorrow survey respondents, 63% of whom felt that increasing the number

"The days of getting a good job without a good education are gone... We have to move education from 'important' to 'essential.'"

— Hickory Forum

of well-paying jobs was absolutely critical to the future success of their community. Almost half of the respondents felt that UNC could have the greatest impact

on their community by focusing more effort and resources on economic development assistance, business start-up assistance, social and community advising, and technical assistance. The needs expressed by the public reflect the significant economic shifts impacting our state.

North Carolina is in the midst of a major economic transformation. The traditional industries that built the state in the 20th century — tobacco, textiles, and furniture — are now downsizing in the face of globalization, international competition, and changing consumer preferences. Fortunately, new industries — including technology, pharmaceuticals, and finance — have developed to take their place, but the transition has not been smooth. While thousands of North Carolinians have seen their lives improve in the high-tech global marketplace of the 21st century, many others have been left behind. The distinguishing feature between the two populations is at the core of UNC's mission: education.

The Divided Path of Higher- and Lower-Skilled Workers

Education in the new economy has divided North Carolina in two ways. First, it has divided our workers. Workers with higher levels of educational attainment have in large part done well in today's economy. The modern economy's focus on subject-matter knowledge, as well as problem-solving and interpersonal skills, has meant workers with these traits have succeeded and moved up the economic ladder. In contrast, workers with modest levels of educational attainment have faced a much different job market. They have seen low-skill, moderate-income jobs, easily found in previous decades, migrate increasingly to foreign countries where labor costs are lower. This has left modestly educated workers qualified for an ample number of service-sector jobs, but these jobs generally pay less.

The diverse paths of more-educated and less-educated workers in North Carolina are clearly seen in the statistics. During the 2000s, only college-educated workers experienced wage increases that exceeded inflation. Workers with less than a college education saw their inflation-adjusted wages fall. Furthermore, the fastest-expanding jobs have been those at the high end and the low end of the pay scale. Jobs with moderate rates of pay have been growing at the slowest pace. This phenomenon has been termed the "hollowing-out" of the job market or the "disappearing middle."

High school dropouts earn \$800,000 less than college graduates over their lifetime.¹¹

Geographic Considerations

The new North Carolina economy has also divided the state geographically. Economic growth and improvements in living standards have been most rapid in metropolitan counties and have been slower or stagnant in many rural and small-town counties. Again, the determining factor seems to be education.

Counties with higher levels of educational attainment among their workers — usually metro counties — have been more successful in creating and attracting the new industries of the 21st century and enhanced job opportunities.

These 21st century economic trends show

In order to create job opportunities in areas that have less business, the UNC system would need to focus on entrepreneurship at every campus.

— UNC Tomorrow blog post

**April 2, 2008 Memo to Fred Williams regarding
Data Analysis of 2006-2007 College Survey from
J. Keith Brown, Assoc. VP, Research and
Performance Management**



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
H. Martin Lancaster, President

MEMORANDUM

DATE: April 2, 2008
TO: Fred Williams
FROM: J. Keith Brown
Associate VP, Research and Performance Management
SUBJECT: Data Analysis...Special Project....**Revised 08/06/2008**

Here is what we learned from the college survey on 2006-07 NV (no VISA; undocumented) students:

Of the 364 students coded as undocumented in 2006-07:

- 68 were high school students (Huskins/Dual Enrolled)
- 2 were inmates
- 180 were initially classified by the college as NV but have since been reclassified as a result of students providing documentation to support their VISA status (49.45%)
- 2 never showed up for class
- 112 were undocumented and enrolled in a curriculum program (30.77%)
 - 70 were graduates of a North Carolina high school (including 2 who had attended a NC high school and received a GED) (62.5%)
 - 52 were out-of-state high school graduates or GED recipients (which would include out-of-country)

Of the 112 undocumented college students, 49 re-enrolled in Fall 2007 and remained NV:

- Incorrect citizenship information was received on 28 students indicating they were US citizens in Fall 2007. The colleges have verified that the students should have been coded as NV. We are investigating why the data were not correct.

Of the 180 students the colleges initially classified as NV in 2006-07 but have subsequently acquired documentation to support their VISA status:

- 96 re-enrolled in Fall 2007
- 32 of the 96 were still coded as NV when the colleges submitted the Fall 2007 Curriculum Registration, Progress, Financial Aid Report (CRPFAR) file in February

**Van C. Wilson, *The Coding of Undocumented*
Individuals Enrolling in North Carolina
*Community Colleges***

**The Coding of Undocumented Individuals
Enrolling in
North Carolina Community Colleges**

Van C. Wilson
Associate Vice President,
Academic & Student Services
April 2, 2008

The Coding of Undocumented Individuals Enrolling in North Carolina Community Colleges

Procedure

On February 28, 2008, a telephone conference was conducted with representatives from both the colleges and the community college system office participating. The purpose of this meeting was to gain a deeper understanding of how many undocumented individuals were enrolled at the colleges and how the colleges used the student information system to identify undocumented students.

A twelve question survey was designed after the meeting by a sub-set of the telephone conference participants. Colleges included in the survey design were:

- Central Piedmont Community College
- Central Carolina Community College
- Durham Technical Community College
- Forsyth Technical Community College
- Pitt Community College
- Sandhills Community College

These colleges were selected because they reported 296 undocumented student enrollments for the 2006-2007 year, representing over 80% of all undocumented students reported for that same time period.

An electronic copy of the attached survey was distributed to all of the colleges participating in the February 28 conference call. The following colleges completed the survey:

- Asheville-Buncombe Technical Community College
- Central Carolina Community College
- Central Piedmont Community College
- Craven Community College
- Durham Technical Community College
- Forsyth Technical Community College
- Guilford Technical Community College
- Sandhills Community College

Findings

The survey results indicated the following:

The colleges were consistent in their operational definition of “undocumented student.” The institutions each indicated that being a non-US citizen and not having a visa or valid SEVIS document constituted a student being “undocumented.”

Individuals responsible for making the determination of when a student is coded as an “undocumented” student vary among the colleges. At first glance, all of the individuals involved in the coding or determination process are student services/student affairs personnel. The colleges polled used the following staff positions to determine citizenship:

- Self-reported data from the CFNC system
- Admissions Counselors
- Admissions Coordinator
- Admissions Front Desk Associate
- Director of Admissions
- Designee of the Director of Admissions
- Admissions Processors
- International Student Advisor
- Residency Evaluator
- Registrar’s Office

Another inconsistency among the respondents is the verification of undocumented student versus a student that is missing documents. Several of the colleges indicated that they verify non-citizenship while other colleges responding to the survey do not verify non-citizenship. In addition, several institutions rely solely on student self-reported data to determine citizenship.

The colleges that indicated they had a verification process for determining citizenship used some combination of the following documents:

- Self reported, admissions application
- Visa
- US Passport
- Birth Certificate
- Voter Registration Card
- Naturalization Document (Resident Alien Card)
- Valid Driver’s License

- I-94
- I-797
- I-494 (with paid receipt)

Each of the colleges that indicated they have a verification process use different combinations of the items listed above to determine citizenship. Most of the colleges indicated that the admissions application was the most useful document in determining citizenship. One of the respondents indicated that the birth certificate was the most useful document.

The coding process in the Colleague system for undocumented students varied among institutions. One college tracks undocumented students using “comment codes” in the Colleague system. Several institutions use the “NV” code in Colleague (FPER) to designate all non-US citizens. Another college uses “FPER” to code Alien Status, Visa Type, Citizenship Country, Immigration Status, and Birth Country. One of the colleges has used other visa “OV” code mistakenly for no visa “NV” code. Also, there were some colleges that use FINF (foreign individuals screen) to code undocumented students.

Most of the colleges polled indicated students who were missing documents could enroll in college courses (one institution indicated no, students that were missing documents are passed through an additional verification process before enrolling).

Not all colleges require new application information from students transitioning from high school (LEO, Huskins, Learn and Earn) to college curriculum programs.

Each college indicated their concerns regarding validating citizenship for all applicants:

- Increased demand on data entry/processing
- Imposing admissions application deadlines
- Demands on document storage space
- Admissions barrier for the student
- Impact on customer service
- Public backlash
- Legal liability for Student Services staff
- Impact on on-line applications
- Increased number of forged documents
- Legality of requiring information

Recommendations

A review of the survey results indicates that there are several opportunities to improve the coding process in the Colleague Student Information System. First, individuals who work with the coding of these students could develop a state-wide and consistent system for processing applications for undocumented students. While the colleges polled seemed to have a clear understanding of who these students are, there are a variety of ways used by Student Service staff to identify and code undocumented students in the student information system. In addition, several colleges do not have processes in place to verify the citizenship status of certain categories of students, such as "special credit" students.

Next, a training module for individuals who are responsible for determining citizenship status could be developed. Most of the individuals charged with this responsibility seemed to be student services/student affairs staff.

Identification of a cadre of clearly identifiable and acceptable documents could be developed by the colleges to be used universally in determining student citizenship.

Another recommendation is that the institutions develop a consistent process for validating students who enter curriculum programs from non-credit and high school partnerships. While some institutions require students to submit additional applications, several do not.

Finally, each college may want to develop an internal protocol for validating student enrollment and demographic data prior to submission to the System Office.

Student Codes in Colleague

Instructions:

Please complete the following questions regarding the coding of students enrolled in curriculum courses at your college. Refer to the processes your college used for the 2006-2007 academic year (fall, spring, summer).

1. What is the operational definition of undocumented student at your college?
2. In the data entry process, who determines if a student is undocumented?
3. Does your institution verify non citizenship?
4. Which document(s) are used to determine if a student is a US citizen?
A
B
C
D
5. Which of the documents listed above prove to be most useful in determining US citizenship?
6. Under what circumstances does your institution uses the code "NV"?
7. How are non US citizens without documentation coded in Colleague?
8. Can a student who is a non US citizen and is missing documentation register for courses at your college?
9. Does your college require students who enroll in curriculum courses via high school or Continuing Education programs (Huskins, Dual Enrollment, LEO, Early College High School, Middle College, Adult High School, Basic Skills, etc.) to complete a new admissions application?
10. If your response to question 9 is "yes", does your institution verify the residency status of the student?
11. Listing the Colleague data elements and their values, how does your college designate (code) undocumented students?
12. What (if any) concerns do you have regarding collecting documentation to support all applicants claim of US citizenship?

Please attach a copy of your admissions policy.
Thank you

College:
Your Name:
Your Title:
Phone Number:

**May 6, 2008 Letter to Shante Martin, General
Counsel, NCCCS from JB Kelly, General
Counsel, North Carolina Department of Justice**



State of North Carolina

Department of Justice
PO Box 629
Raleigh, North Carolina
27602

ROY COOPER
ATTORNEY GENERAL

May 6, 2008

Ms. Shanté Martin, Esquire
General Counsel
North Carolina Community College System
5001 Mail Service Center
Raleigh, NC 27699-5001

Dear Ms. Martin:

David Sullivan requested advice on the legality of the North Carolina Community College System's Guidance Memorandum CC 07-275. In that guidance, the System advises each local Community College that "notwithstanding any policy of a local board, colleges should immediately begin admitting undocumented individuals."¹ CC 07-275 essentially rejects earlier guidance set forth in Memorandum CC 01-271 restricting the admission of undocumented aliens.

The State Board of Community Colleges has the authority to establish admission criteria. N.C. Gen. Stat. § 115D-5(a). The State Board enacted 23 N.C.A.C 2C .0301 which states, in pertinent part: "Each college shall maintain an open door admission to all applicants who are high school graduates or who are at least 18 years of age." Community College trustees are to apply these admission criteria. N.C. Gen. Stat. § 115-20.

The admission criteria and its application should be interpreted in a manner consistent with other applicable state and federal laws on college admissions.

"The power to regulate immigration is unquestionably exclusively a federal power." De Canas v. Bica, 424 U.S. 351, 354, 47 L. Ed. 2d 43, 96 S. Ct. 933 (1976). State action regarding immigration can not conflict with federal law. Michigan Canners & Freezers v. Agricultural Marketing & Bargaining Bd., 467 U.S. 461, 469, 81 L. Ed. 2d. 399, 104 S. Ct. 2518 (1984).

¹ The Guidance memorandum bases this conclusion, in part, on "a 1997 advisory opinion of the Attorney General". It appears this reference is to a May 9, 1997 advisory letter to Patricia Montgomery. That advisory letter did not address the issue of admissions for "undocumented individuals" and as such should not be relied on for that purpose.

Federal law makes certain non-citizens² ineligible for State and local public benefits. 8 U.S.C. § 1621. State and local public benefits are defined under federal law for purposes of this prohibition. 8 U.S.C. § 1621(c). That definition includes “postsecondary education”. 8 U.S.C. § 1621(c)(1)(B). Non-postsecondary education is not considered a public benefit under this statute.

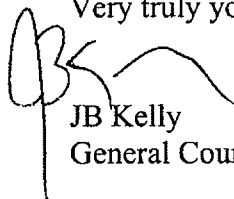
Prohibited State and local public benefits can be provided “only through the enactment of a State law . . . which affirmatively provides for such eligibility.” 8 U.S.C. § 1621(d). To be effective the law must be enacted after August 22, 1996. *Id.* State law may provide eligibility for postsecondary education benefits to an alien who is not lawfully present in the United States only to the extent any citizen or national of the United States receives the same eligibility regardless of State residence. 8 U.S.C. § 1623. North Carolina has not enacted such laws.

The scope and applicability of the Federal prohibition on State and local benefits as it relates to postsecondary education admission criteria developed absent the enactment of State law is unsettled. *Compare, e.g., League of United Latin American Citizens v. Wilson*, 997 F. Supp. 1244 (C.D. Cal. 1997)(postsecondary admission criteria pre-empted by federal law) *with Equal Access Education v. Marten*, 305 F. Supp. 2d 585 (E.D. Va. 2004)(postsecondary admission policy not pre-empted by federal law). Enforcement and administration of the public benefits prohibition rests with the Secretary of Homeland Security. 8 U.S.C. § 1103(a)(1), *see also Day v. Bond*, 500 F. 3d 1127, 1139 (10th Cir. 2007)(only Secretary of Homeland Security has standing to bring legal action to enforce 8 U.S.C. § 1621 *et. seq.*).

The Office of the Secretary of Homeland Security has not provided any guidance regarding their assessment of CC 07-275 in relation to 8 U.S.C. § 1621. Reliance on such advice would be appropriate unless and until a valid State law regarding postsecondary admission standards is enacted.³ Until such advice is provided or State law enacted, a return to Guidance CC 01-271 would more likely withstand judicial scrutiny.

This is an advisory letter; it has not been reviewed and approved in accordance with procedures for issuing an Attorney General’s opinion.

Very truly yours,



JB Kelly
General Counsel

² This includes all aliens unless they are a qualified alien as defined in 8 U.S.C. § 1641; a nonimmigrant under the Immigration and Nationality Act; or, paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5) for less than one year. 8 U.S.C. § 1621(a).

³ This Office can draft a letter to the Secretary of Homeland Security on the System’s behalf should one be desired.

**The Associated Press, *Easley: Community colleges*
*should admit illegal immigrants***

5/8/08 AP Alert - Political 22:53:59

AP Alert - Political

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May 8, 2008

Easley: Community colleges should admit **illegal immigrants**

GARY D. ROBERTSON
Associated Press Writer

RALEIGH, N.C._Gov. **Mike Easley** said Thursday that North Carolina's community colleges should continue admitting **illegal immigrants** that meet minimum admission requirements, advice that runs counter to that offered this week by Attorney General Roy Cooper.

Cooper's office wrote the state community college system suggesting it drop a lenient admissions policy that orders all 58 campuses to admit **illegal immigrants** who are 18 years old and high school graduates.

But Easley said in a prepared statement that the current policy, which he endorsed when it was released last fall, should continue because federal law on whether it is legal hasn't been settled.

"The Legislature specifically provided the community college board the authority to establish admission criteria," said Easley, who was attorney general from 1993 to 2001. "In the absence of federal action to the contrary, the community college board should continue its current policy, which is consistent with other states."

In the meantime, Easley said he asked Cooper's office to "seek clarification from Washington regarding eligibility of admission to community colleges."

"The Attorney General's advisory letter acknowledges the federal government has not prohibited this policy," Easley said.

In an e-mail, Cooper spokeswoman Noelle Talley said in response: "Just like our letter said, we stand ready to seek clarification on the federal law on behalf of the community college system." She didn't respond to requests for further comment.

A phone call to a spokeswoman for the North Carolina Community College System wasn't returned Thursday. On Wednesday, the spokeswoman said it would take Cooper's letter under advisement.

Easley has no direct authority over the nation's third-largest community college system,

which has roughly 800,000 students. He appoints slightly less than half of the 21 system's board members, but his support of last year's decision helped strengthen the resolve of system leaders to retain the policy.

Easley said at the time the children of **illegal immigrants** living in North Carolina shouldn't be punished for their parents' decision to enter the country and that the state couldn't ignore their presence in the state.

The policy updated a 2004 policy that left the admissions decision to individual campuses. Less than 400 students who were **illegal immigrants** had enrolled in degree programs before the change.

But JB Kelly, a lawyer in Cooper's office, wrote Tuesday to the system that following even stricter guidelines approved in 2001 "would more likely withstand judicial scrutiny."

The 2001 decision said **illegal immigrants** who are high school students can take college-level courses, and **illegal immigrants** of any age can enroll in non-college level courses or programs, such as English as a second language.

The General Assembly reconvenes next week, and some lawmakers have suggested overturning the policy change by passing a law. The two major-party candidates for governor _ Democrat Beverly Perdue and Republican Pat McCrory _ have opposed the more lenient policy.

---- INDEX REFERENCES ----

COMPANY: ENGLISH AND OVERSEAS PROPERTIES PLC

NEWS SUBJECT: (Criminal Law (1CR79); Social Issues (1SO05); Legal (1LE33); Education (1ED85); Economics & Trade (1EC26); Judicial (1JU36); Crime (1CR87); Government Litigation (1GO18))

INDUSTRY: (Smuggling & Illegal Trade (1SM35))

REGION: (North America (1NO39); USA (1US73); Americas (1AM92); North Carolina (1NO26))

Language: EN

OTHER INDEXING: (ENGLISH; GENERAL ASSEMBLY) (Cooper; Democrat Beverly Perdue; Easley; JB Kelly; Mike Easley; Noelle Talley; Republican Pat McCrory; Roy Cooper) (United States; USA; NorthAmerica)

KEYWORDS: (n); (Political); (Crime); (Municipal); (Travel); (Education); (Legal)

Word Count: 612

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5/8/08 AP Alerts - NC 20:15:56

AP Alert - North Carolina

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May 8, 2008

Easley: Community colleges should admit **illegal immigrants**

RALEIGH, N.C._Gov. **Mike Easley** says the state's community colleges should stick to a policy of admitting all eligible **illegal immigrants** .

Easley made the suggestion Thursday, a day after Attorney General Roy Cooper's office said the lenient admissions policy should be dropped.

A letter from Cooper's general counsel said the community college system should follow federal law more closely and admit immigrants in narrow circumstances.

Easley said Thursday that federal law does not clearly outline when **illegal immigrants** can attend community college. He asked Cooper to seek clarification from Washington.

Cooper's office said this week it could send a letter to the Department of Homeland Security on the system's behalf.

North Carolina's community college system is the third largest in the country. About 800,000 students attend the system's 58 schools.

---- INDEX REFERENCES ----

NEWS SUBJECT: (Social Issues (1SO05); Crime (1CR87); Education (1ED85))

INDUSTRY: (Homeland Security (1HO11); Smuggling & Illegal Trade (1SM35); Security (1SE29))

REGION: (North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

OTHER INDEXING: (DEPARTMENT OF HOMELAND) (Cooper; Easley; Mike Easley; Roy Cooper) (United States; USA; NorthAmerica)

KEYWORDS: (n); (Crime); (Education); (Legal); (Law)

May 9, 2008 Letter to JB Kelly, General Counsel,
North Carolina Department of Justice from
Shante Martin, General Counsel, NCCCS



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

REPLY TO:

Q. Shanté Martin, *General Counsel*

PHONE: 919-807-6961

FAX: 919-807-7171

EMAIL: martins@nccommunitycolleges.edu

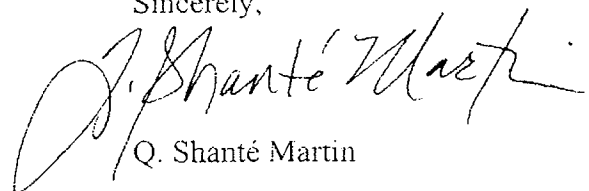
May 9, 2008

J.B. Kelly
General Counsel
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602

Dear Mr. Kelly:

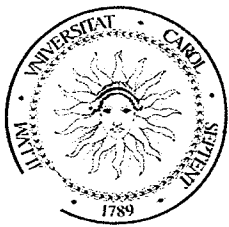
In your May 6, 2008 letter to the North Carolina Community College System, you offered that the Office of the Attorney General would draft a letter to the Secretary of Homeland Security on the North Carolina Community College System's behalf. In response to your offer, this office requests that you seek guidance from the Secretary of Homeland Security on the issue of the admission of undocumented or illegal aliens to local community colleges when state law does not affirmatively provide for such eligibility. Additionally, we request that you ask the Secretary of Homeland Security to provide such guidance, if possible, prior to the start of our Fall 2008 academic semester, which will begin in the middle of August 2008.

Sincerely,



Q. Shanté Martin

**May 13, 2008 Letter to Members of the UNC
Board of Governors The Chancellors from
Erskine Bowles, UNC system President**



The University of North Carolina

POST OFFICE BOX 2688, CHAPEL HILL, NC 27515-2688

ERSKINE B. BOWLES, *President*

Telephone: (919) 962-1000 Fax (919) 843-9695

E-mail: ebowles@northcarolina.edu

May 13, 2008

TO: Members of the UNC Board of Governors
The Chancellors

FROM: Erskine Bowles *EBB*

RE: Admission of Undocumented Students

Last November, the North Carolina Community College System issued a directive that all 58 community colleges admit undocumented immigrants under the System's "open door" policy. Subsequently, the NCCCS asked the NC Attorney General to clarify the legality of this position.

In an advisory letter dated May 6, 2008, the Attorney General's Office advised the Community College System that restricting the admission of illegal immigrants "would more likely withstand judicial scrutiny." This advisory letter (not a formal Attorney General's opinion) was based on one lawyer's in the Attorney General's Office interpretation of federal statutes, the enforcement and administration of which rests with the Secretary of Homeland Security.

Subsequently, in response to an inquiry from the *Raleigh News & Observer* as to whether a public community college can enroll undocumented aliens, the Department of Homeland Security is reported to have issued a statement that "It is left for the school to decide whether or not to enroll out-of-status or undocumented nonimmigrants."

Earlier today, NCCCS President Scott Ralls announced that beginning immediately, the community colleges will no longer admit undocumented immigrants into curriculum degree programs. They will, however admit undocumented students into non-college level courses, and will allow students admitted under the earlier directive to continue their courses of study at out-of-state tuition rates.

The University of North Carolina certainly intends to abide by the law. In this instance, there sure seems to be considerable legal disagreement about what the relevant federal law really says. I am glad that the Attorney General will now seek further clarification of the federal statutes relating to the admission of undocumented students. We need and would welcome final clarification because we all want to obey the law. Until we receive that clarification, we will continue to operate under our current guidelines.

cc: General Administration Council

Constituent Universities
Appalachian State
University

East Carolina
University

Elizabeth City
State University

Fayetteville State
University

North Carolina
Agricultural and
Technical State
University

North Carolina
Central University

North Carolina
School of
the Arts

North Carolina
State University
Raleigh

University of
North Carolina
at Asheville

University of
North Carolina
at Chapel Hill

University of
North Carolina
at Charlotte

University of
North Carolina
at Greensboro

University of
North Carolina
at Pembroke

University of
North Carolina
at Wilmington

Western Carolina
University

Winston-Salem
State University

Constituent High School
North Carolina
School of Science
and Mathematics

An Equal Opportunity/
Affirmative Action
Employer

**The UNC Policy Manual: 700.1.4[G]: Guidelines
on the Admission of Undocumented Aliens**

The UNC Policy Manual: 700.1.4[G]

Guidelines on the Admission of Undocumented Aliens

Adopted: 11/12/2004

Undocumented aliens are eligible to be considered for admission as undergraduates at UNC constituent institutions based on their individual qualifications with limitations as set out below:

1. An undocumented alien may be considered for admission only if he or she graduated from high school in the United States.
 2. Undocumented aliens may not receive state or federal financial aid in the form of a grant or a loan.
 3. An undocumented alien may not be considered a North Carolina resident for tuition purposes; all undocumented aliens must be charged out of state tuition.
-
4. All undocumented aliens, whether or not they abide in North Carolina or graduated from a North Carolina high school, will be considered out of State for purposes of calculating the 18% cap on out of State freshmen pursuant to Policy 700.1.3.
 5. When considering whether or not to admit an undocumented alien into a specific program of study, constituent institutions should take into account that federal law prohibits the states from granting professional licenses to undocumented aliens.

Last modified: February 21, 2005

URL: http://www.northcarolina.edu/content.php/legal/policymanual/uncpolicymanual_700_1_4g.htm

[Back](#)

**May 13, 2008 Memo to Community College
Presidents, VP/Deans of Instruction, VP/Deans of
Student Development, VP/Deans of Continuing
Education, Admissions Officers, and Registrars
from Q. Shante Martin, General Counsel,
NCCCS (CC08-114)**



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

May 13, 2008

IMPORTANT INFORMATION

MEMORANDUM

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

FROM: Q. Shanté Martin, *General Counsel*

**RE: UNRESTRICTED ADMISSION OF UNDOCUMENTED OR
ILLEGAL IMMIGRANTS**

On May 6, 2008, the Office of the Attorney General advised the North Carolina Community College System Office that the System Office's guidance in the December 21, 2001 Memorandum CC01-271, restricting the admission of illegal immigrants, "would more likely withstand judicial scrutiny." Based upon that advice, the November 7, 2007 Memorandum CC07-275, advising local community colleges to "immediately begin admitting undocumented individuals," is hereby superseded.

Pending the Office of the Secretary of Homeland Security's guidance in response to the North Carolina Office of the Attorney General's request for clarification or pending North Carolina state law affirmatively providing for the unrestricted admission of undocumented or illegal immigrants to our local community colleges, colleges should follow the guidance provided in the December 21, 2001 Memorandum CC01-271.

For ease of reference, the substantive guidance provided in the December 21, 2001 Memorandum CC01-271 is quoted as follows:

Federal Law, 8 USC Section 1621 makes most undocumented or illegal aliens ineligible for most state or local public benefits. Post secondary education is one of those benefits that undocumented or illegal aliens are not eligible to receive. Federal Law, 8 USC Section 1641

CC08-114
Email

makes an exception for some illegal aliens who have been subjected to extreme cruelty or battered and who meet other conditions set forth in this section. Any undocumented or illegal aliens who are eligible to receive post secondary education (other than high school students taking Huskins or concurrent enrollment courses) should have written documentation of their eligibility based on one of the exceptions set forth in Federal Law, 8 USC Section 1641.

Therefore, colleges should admit or enroll undocumented or illegal aliens only as follows:

1. Undocumented or illegal aliens who are high school students may enroll in college level courses consistent with the concurrent enrollment policy and the cooperative program agreement (Huskins Bill courses) policy. Undocumented or illegal aliens may take college level courses pursuant to these policies because eligibility for participation in these programs is not based on legal residence but on attendance in a North Carolina high school. These courses are open to all high school students attending a high school (public, private, or home school) located in the State who meet the eligibility criteria. This position appears to be consistent with the federal policy regulating provision of state or local public benefits to undocumented or illegal aliens.
2. Undocumented or illegal aliens may enroll in non-college level courses or programs including GED preparation courses, Adult Basic Education, Adult High School, English as a Second Language and other continuing education courses less than college level. These courses do not appear to violate the general prohibition against providing post-secondary education to undocumented or illegal aliens.
3. Undocumented or battered illegal aliens who have been determined to meet one of the qualifying conditions set forth in Federal Law, 8 USC Section 1641 are eligible for college level courses. It is the applicant's responsibility to produce sufficient documentation to satisfy the college that the applicant is eligible for post secondary education benefits.

(December 21, 2001 Memorandum CC01-271). Wherever "Huskins" or "concurrent enrollment" is listed above, colleges should also include the following high school programs: Learn and Earn, Learn and Earn Online, alternative high school programs (Early College and Middle College High Schools), and Dual Enrollment.

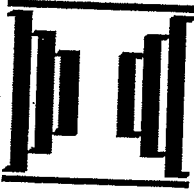
Additionally, colleges that have admitted undocumented or illegal immigrants based

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upon the guidance in the November 7, 2007 Memorandum CC07-275 shall be permitted to allow only those undocumented or illegal immigrants to complete their program of study at the out-of-state tuition rate.

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**May 16, 2008 Minutes of the State Board of
Community Colleges, NC Community
College System**



Preparing North Carolina's World-Class Work Force

State Board of Community Colleges
NC Community College System
200 West Jones Street, Raleigh, NC 27699

May 16, 2008
9 a.m.

CALL TO ORDER

Following proper public notification and a determination that a quorum was present, the meeting of the State Board of Community Colleges (SBCC) was called to order by Chair Pinnix-Ragland at 9 a.m. She welcomed those in attendance. The following members were present:

Hilda Pinnix-Ragland, Chair
Linwood Powell, Vice Chair
James W. Daniels
Jimmie E. Ford
Stuart B. Fountain
Raichelle Glover
Bob H. Greene
Gordon "Buddy" Greenwood
Thomas Houlihan

Anne-Marie Knighton
Chester P. Middlesworth
Treasurer Richard Moore
Represented by Pam Wortham
Lt. Governor Beverly Perdue
Represented by Michael Arnold
B. Joanne Steiner
Norma B. Turnage
Herbert L. Watkins
Allen Wellons

Unable to attend: Edwin H. "Eddie" Madden, Jr.

CHAIR'S OPENING REMARKS

The Chair welcomed those attending. She thanked Mr. and Mrs. Middlesworth for hosting the reception held during the meeting at Mitchell CC in April.

ETHICS AWARENESS AND IDENTIFICATION OF CONFLICTS OF INTEREST

The Chair advised members of the ethical requirements for those who serve as public servants and requested they identify any conflicts or potential conflicts of interest present. None were identified.

APPROVAL OF THE MINUTES

Mr. Middlesworth moved to approve the minutes of the April 18, 2008, SBCC meeting. Dr. Fountain seconded the motion, and the minutes were approved by the Board.

CHANGES IN AND APPROVAL OF AGENDA

Receiving no requests for change to the agenda, the Chair asked for its approval. Dr. Greene so moved, Mr. Ford seconded the motion, and the Board approved the agenda as presented.

APPROVAL OF THE CONSENT AGENDA

Dr. Fountain then moved to approve the consent agenda. The Board approved the motion that had been seconded by Mr. Daniels, thereby approving the items that follow.

POLICY COMMITTEE

Redesignation of Stanly Community College's Western Stanly Center to a Multi-Campus Site

The Board approved the redesignation of Stanly CC's Western Stanly Center to a multi-campus site.

Captive Curriculum Program Approval: Review of State Board of Community Colleges Policy

The Board approved a revision to current policy and granted colleges the authority to offer programs in a captive environment that are not offered to students in the college's regular population if the proper approval is received to offer the curriculum program. (See Attachment Pol. 7)

Operating Procedures for the Enrollment of High School Students in Community College Courses

The Board approved revisions in the *Operating Procedures for the Enrollment of High School Students in Community College Courses* manual for collaborative high school programs in the NCCCS as outlined in Attachment Pol. 8.

PROGRAM SERVICES COMMITTEE

Curriculum Program Applications (Fast Track for Action)

The Board approved the programs listed in Attachment Prog. 6 for programs requested by Asheville-Buncombe Technical, Johnston, Rowan-Cabarrus, Sandhills, Tri-County, Wake Technical, and Wayne CC's.

Program Approval, Electrical Related CIP

The Board approved archiving *Electronic Servicing Technology* [A50120] and *Electronics Technology* [A50140] programs and allowing colleges approved to offer those programs to replace them with *Electronics Engineering Technology* [A40200] as outlined in Attachment Prog. 7.

Curriculum Procedures Reference Manual Revision, Section 9

The Board approved revisions to Section 9 of the *Curriculum Procedures Reference Manual* as presented in Attachment Prog. 8 to simplify language, reduce duplication, and reflect changes included in the NC Administrative Code.

Curriculum Standard Revision

The Board approved a revision to the curriculum standard for *Computer Information Technology* [A25260] as requested by Wake Technical CC in Attachment Prog. 9.

Courses of Instruction to Captive/Co-opted Groups

The Board approved the following courses of instruction to captive/co-opted groups: Basic Skills courses to be offered by Richmond and Southeastern CC's as found in Attachment Prog. 10 and Continuing Education courses to be offered by Durham Technical, Forsyth Technical, and Rowan-Cabarrus CC's as listed in Attachment Prog. 11.

Continuing Education Master Course List – Course Approvals

The Board approved the addition of *Locksmithing* (MEC4000) to the list. (See Attachment Prog. 12)

FINANCIAL AND CAPITAL NEEDS COMMITTEE

Adult Basic Education Funds for Community Based Organizations

The Board approved \$951,592 in allocations to fund 26 Adult Basic Education grants for community based organizations listed in Attachment FC-3.

Basic Skills Pathways to Employment Programs

The Board approved \$293,105 in allocations for eight Pathways to Employment Programs as identified in Attachment FC-4.

Basic Skills Project IDEAL – Distance Learning Grants

The Board approved allocations totaling \$182,800 for Project IDEAL distance learning grants to be distributed to 12 community colleges and two CBOs as listed in Attachment FC-5.

Basic Skills Family Literacy Initiative

The Board approved continuation grants in the amount of \$182,900 to MOTHERREAD and \$68,900 to the NC Center for Family Literacy to provide training, program support, etc. for family literacy programs as outlined in Attachment FC-6.

Service Agreement with the University of Michigan

The Board approved an agreement with the University of Michigan in the amount of \$22,000 for the sixth and final year of Project Ideal, a distance learning research project. (See Attachment FC-7)

CASAS (Basic Skills Comprehensive Adult Student Assessment System) Training Grants

The Board approved an allocation of \$64,300 to be distributed as outlined in Attachment FC-8 to Fayetteville Technical, Haywood, Isothermal, and Sandhills CC's to train Basic Skills State Certified Trainers for the Basic Skills Comprehensive Adult Student Assessment System. (See Attachment FC-8)

Basic Skills English Literacy/Civics Projects

The Board approved allocations totaling \$817,680 for 20 Basic Skills English Literacy/Civics education projects as listed in Attachment FC-9.

Basic Skills Comprehensive Family Literacy Programs

The Board approved allocations totaling \$650,000 for ten Comprehensive Family Literacy programs listed in Attachment FC-10.

Client Relationship Management System – Contract Renewal with Center Dynamics USA, LLC and the North Carolina Community College Small Business Center Network

The Board approved \$29,415 for the second year of a five-year contract with Center Dynamics USA, LLC for the delivery of a client relationship management system for the Small Business Center network per Attachment FC-13.

Two Percent Transfer Restriction

The Board approved the Two Percent Transfer Restriction Report as presented in Attachment FC-14 including transfer requests in excess of two percent from Alamance and Johnston CC's.

Environmental, Safety, and Health Compliance Services Contract

The Board approved a new contract with Blue Ridge CC in the amount of \$234,900 for environmental, safety and health service compliance services defined in Attachment FC-15.

Construction/Property/Bond Authorization Report

The Board approved the Construction/Property/Bond Authorization Report of May 16, 2008, as presented in Attachment FC-16.

Software Annual Maintenance and Support Services Agreement - Datatel -Contract Renewal with Amendment (College Information System)

The Board approved a contract renewal with amendment with Datatel, Inc., in the amount of \$5,656,105 for software maintenance and support services for the CIS per Attachment FC-19.

OTHER PRESENTATIONS/REPORTS

NCACCP, Dr. Patricia Skinner, President

- The Spring NCACCP Meeting took place at Davidson County CC and included a reception at the Bob Timberlake Gallery held concurrently with a visit to the campus by President Bill Clinton on Wednesday evening.
- Committee reports included the following: Finance is working on the FTE Formula Funding Study and received an update from Mr. Briggs on the budget, Personnel is addressing succession planning, Professional Development conducted a formal evaluation of the New President's Institute which indicated it has been extremely valuable for new presidents, and the Technology Committee is working to clarify issues associated with the CIS.
- Planning is underway for the NCACCP Summer meeting to be held at Carteret CC.

NCACCT, Ms. Helen Newsome, President

(In the absence of Ms. Newsome, the report was given by Dr. Donny Hunter)

- The Community College Cabinet met and decided to extend the projected length of meetings to allow sufficient time for discussion of the issues to come before them.

- The Executive Board approved the structural change that will allow for an additional three at-large members, and the recommendation will now go before the full association for their vote.
- Dr. Hunter applauded Dr. Ralls for his handling of the issues related to undocumented students, adding that he would encourage local boards to be cautious of adopting any local policies before the legal issues are resolved.

N4CSGA

- In the absence of a N4CSGA representative, a written report was presented and briefly reviewed by the Chair. The Summer Bonding Retreat will be held July 13-16 at Peace College where retreat officers will participate in leadership development activities.

STANDING COMMITTEE REPORTS

POLICY COMMITTEE, Dr. Stuart Fountain, Chair

The Board received upon the recommendation of the Policy Committee:

For Future Action

Renewal of Proprietary Schools for Licensure

The Board will be asked to approve the renewal of licensure for 57 proprietary schools listed in Attachment Pol. 1.

Approval of Proprietary School Licenses

The Board will be asked to approve proprietary school licensure for the Dental Staff Institute and Mr. David's School of Hair Design (College of Wilmington) for the programs listed in Attachment Pol. 2.

Initiate Rule Making to Amend the NC Administrative Code

The Board will be asked to initiate Rule Making to add 23 NCAC 02C .0801 "Intercollegiate Athletics" and to amend 23 NCAC 02D .0202 "Tuition and Fees for Curriculum Programs" as requested in Attachment Pol. 3 and Attachment Pol. 4, respectively.

For Action

Initiate Rule Making to Add 23 NCAC 02C .0110 "Accountability and Audit Responsibilities"

Dr. Fountain moved to approve Attachment Pol. 5 to initiate Rule Making to add 23 NCAC 02C .0110 "Accountability and Audit Responsibilities" to the NC Administrative Code. Mr. Ford seconded the motion that was then approved by the Board.

PROGRAM SERVICES COMMITTEE, Ms. Norma B. Turnage, Chair

The Board received upon the recommendation of the Program Services Committee:

For Information

Special Application Approvals by System President

The System President approved applications from Asheville-Buncombe Technical, Catawba Valley, and Randolph CC's to offer *Entrepreneurship* [A25490].

Special Termination Approvals by System President

The System President granted approval to Pitt CC to terminate *Early Childhood Education/Teacher Associate* [A5522B], *Insurance (Certificate)* [C25280], *Phlebotomy (Certificate)* [C45600], *Real Estate* [A25400] and *Real Estate Appraisal* [A25420], and Wake Technical CC to terminate *Automation Engineering Technology* [A40120].

Special Curriculum Standard Revision Approvals by Vice President

As a result of CRC action, the Board was advised of curriculum standard revision approvals by Vice President for: *Animal Care and Management Technology* [A55100], *Business Administration* [A25120], *Business Administration/Banking and Finance* [A2512A], *Customer Service* [A2512B], *Electronic Commerce* [A2512I], *Human Resources Management* [A2512C], *International Business* [A2512D], *Logistics Management* [A2512E], *Marketing and Retailing* [A2512F], *Operations Management* [A2512G], *Public Administration* [A2512H], and *Shooting and Hunting Sports Management* [A2512J]; *Court Reporting and Captioning* [A25140]; *Environmental Science Technology/Invasive Species Management* [A2014C]; *Landscape Architecture Technology* [A40260]; *Magnetic Resonance Imaging* [A45800]; *Medical Office Administration* [A25310]; *Medical Sonography* [A45440]; *Medical Transcription (Diploma)* [D25320]; *Physical Therapist Assistant (2-year program)* [A45620]; and, *Voice Writing Realtime Reporting* [A25460]. (See Attachment Prog. 3)

For Future Action

New to the System – Curriculum Standard – CIP

The Board will be asked to approve a new curriculum standard for colleges that are currently approved to offer *Associate Degree Nursing (Integrated)* [A45100] or *(Nonintegrated)* [A45120], archiving those and proposing a standard that does not differentiate between integrated and non-integrated. (See Attachment Prog. 4)

Curriculum Standard Revisions

The Board will be asked to approve curriculum standard revisions to *Emergency Preparedness Technology* [A55420]; *Interventional Cardiac and Vascular Technology* [A45410]; *Office Systems Technology* [A25360], *Legal* [A2536A] and *Virtual Office Assistance* [A2536C]; and *Therapeutic Recreation* [A45760]. (See Attachment Prog. 5)

FINANCIAL AND CAPITAL NEEDS COMMITTEE, Mr. Herbert Watkins, Chair

The Board received upon the recommendation of the Financial and Capital Needs Committee:

For Information

Financial Report(s)

- *Estimated Tuition And Fees Collected through April 30, 2008* (Attachment FC-1)

For Action

Prior to the discussion of Attachment FC-2, citing a potential conflict of interest, Chair Pinnix-Ragland said that she would not participate in the discussion of this item and asked Dr. Powell to act as Chair until it could be disposed of.

Progress Energy Power Careers Program Scholarship and Renewal Contract

Mr. Watkins presented a motion to approve a renewal agreement between Progress Energy Power Careers Program Scholarship and the NCCCS for receipt of funding to provide scholarships to students in the Power Careers Programs at community colleges as outlined Attachment FC-2. Mr. Greenwood seconded the motion, and the Board approved it. Ms. Pinnix-Ragland abstained from the discussion and voting.

Following the disposition of FC-2, Ms. Pinnix-Ragland resumed as chair.

General Educational Development (GED) Microfilm Records Conversion

Mr. Watkins moved, Ms. Steiner seconded, and the Board approved a new contract in the amount of \$65,219.04 with Crowley Micrographics to convert microfilm images to text searchable PDF/Raw Text, a standard format. (See Attachment FC-11)

Curriculum Improvement Projects (CIP) for 2008-2010

Mr. Watkins presented a motion, seconded by Mr. Daniels, to approve first-year funding in the amount of \$125,000 to Wake Technical CC for the following curriculum improvement projects contingent upon the availability of funds: *Hotel and Restaurant Management* [A25240], *Culinary Technology* [A55200], and *Baking and Pastry Arts* [A55130] and \$125,000 to Wayne CC for *Machining Technology* [A50300] with the concentration of *Machining Technology/Tool, Die, and Mold Making* [A5030A]. (See Attachment FC-12)

Senate Bill 622, Section 9.5 UNC/NCCCS 2+2 E-Learning Initiative Funds: Open Source Collaboration - Moodle Pilot

Mr. Watkins presented a motion that was seconded by Ms. Glover and the Board then approved a new contract totaling \$170,000 with UNC General Administration to establish a software collaboration to investigate the scalability and online teaching capabilities of Moodle, a course management system, to summarize its viability as a replacement for BlackBoard. (See Attachment FC-17)

CIS Training Center Contracts for 2008-09 (College Information System)

Mr. Watkins moved and Mr. Greenwood seconded a motion that was then approved by the Board to enter contracts totaling \$550,500 for CIS centers with Central Piedmont & Wayne CC (CIS Application Training Center), Wake Technical CC (CIS Application & Technical Training Center), and Guilford Technical CC (CIS Technical Training Center) and further described in Attachment FC-18:

ACCOUNTABILITY AND AUDIT COMMITTEE, Ms. Anne-Marie Knighton, Chair

On behalf of the Accountability and Audit Committee, Ms. Knighton reported there were no items that required the attention of the Board.

PERSONNEL COMMITTEE, Dr. Linwood Powell, Chair

Dr. Powell moved, Mr. Watkins seconded, and the Board approved to go into closed session to discuss personnel matters. Following the Board's discussion, it reconvened in open session.

The Board received upon the recommendation of the Personnel Committee:

For Information

College Presidential Searches

At the request of Dr. Powell, Richard Sullins reported that college presidential searches remain in progress at Bladen, Rowan-Cabarrus, Central Carolina and Craven CC's. Bladen and Rowan-Cabarrus selected their three finalists, and Craven and Central Carolina hope to have their searches narrowed by June 5.

Evaluations of College President

Mr. Sullins shared that evaluations of college presidents by their boards of trustees using the criteria set forth in the NC Administrative Code are due to the SBCC by June 30 of each year. He reported that about one-third of the colleges have submitted their evaluations and the remainder are expected to be received prior to June 30.

For Action

Interim President of Rowan-Cabarrus CC

Dr. Powell moved, Mr. Daniels seconded, and the Board approved Dr. Jarrett Chandler, Jr. as Interim President of Rowan-Cabarrus CC effective June 1, 2008.

Organizational Structure Changes within the NCCCS

Dr. Powell moved, Dr. Fountain seconded, and the Board approved organizational structure changes within the NCCCS as recommend by President Ralls and as per the organizational chart in **Appendix I**.

EPA Personnel Actions as a Result of the Organizational Changes

The following EPA personnel actions were approved by the Board in separate motions presented by Dr. Powell and seconded by various members as a result of the organizational changes. Mr. Wellons seconded the approval of Linda H. Weiner as Assistant to the President for Engagement and Economic Development effective May 16, 2008, at an annual salary of \$100,000; and effective June 1, 2008, Glynda Lawrence was approved as Associate Vice President for Customized Training (East) at a salary of \$100,000, Maureen Little as Associate Vice President for Customized Training (West) at a salary of \$100,000, Dr. Saundra Williams as Senior Vice President/Chief of Technology and Workforce Development at a salary of \$150,000, Richard Sullins as Executive Director of the State Board and Education Boards Liaison at a salary of \$78,750, and Pia McKenzie as Special Assistant to the President at a salary of \$45,516. The motions were seconded by Ms. Steiner, Dr. Fountain, Mr. Watkins, Mr. Middlesworth, and Mr. Daniels, respectively. Dr. Powell then presented a motion that was seconded by Mr. Watkins and approved by the Board which granted authority to President Ralls to hire a part-time Legislative Liaison at a time he deemed appropriate.

Instrument to Evaluate the NCCCS President

At the request of the Chair, Mr. Sullins reported that the instrument used to evaluate the System president had not been reviewed in some time. One task of the Presidential Search Committee was to rewrite the job description of the System President, and resulted in the recommendation that the evaluation instrument be reviewed and revised to be more reflective of the current job description. Chair Pinnix-Ragland appointed Dr. Powell, Chair, and Ms. Steiner, Mr. Watkins, and Ms. Turnage to serve on a committee to review and revise the instrument used to evaluate the System President. The next evaluation will be done in the fall and reviewed with the President at the October retreat.

PRESIDENT'S REPORT TO THE STATE BOARD OF COMMUNITY COLLEGES

President R. Scott Ralls' report to the Board is attached as Exhibit II and is available on the NCCCS website at:

http://www.ncccs.cc.nc.us/External_Affairs/presidents_report_may_2008.htm.

SUMMARY OF CHAIR'S CLOSING REMARKS

- **Next Meeting:** The next SBCC meeting will be held June 19-20, 2008. Committee meetings on Thursday, June 19, will be via teleconference, and the Board meeting on Friday, June 20, will be via video-conference. Meetings will originate from the NCCCS, Caswell Building, 200 West Jones Street, Raleigh, NC. Further details will be announced by June 1, 2008.

ADJOURNMENT

Finding no further business to discuss, the Chair called for a motion to adjourn. Dr. Fountain moved, Ms. Steiner seconded, and the Board approved to adjourn at 10:24 a.m.

RESPECTFULLY SUBMITTED BY:
Secretary

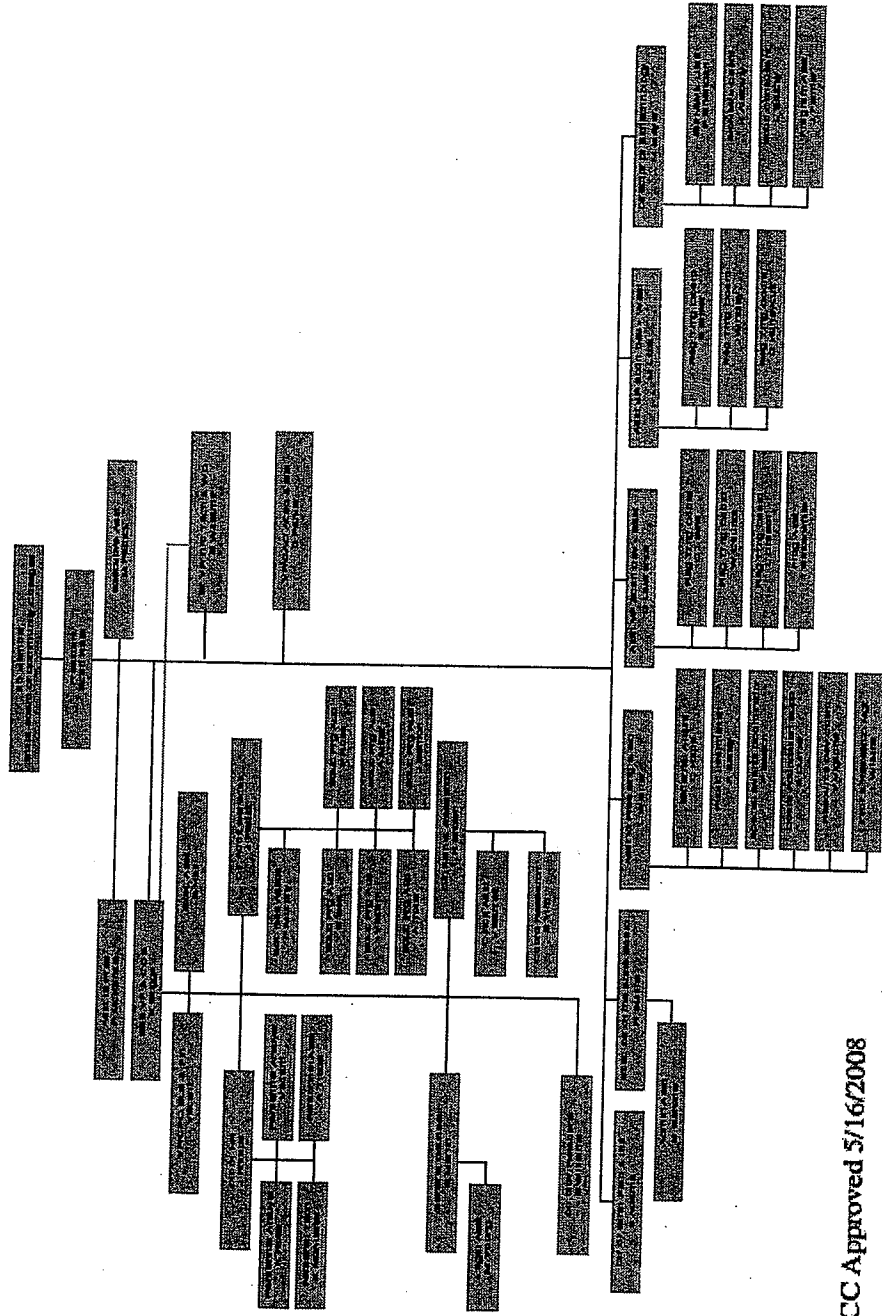
APPROVED BY:

Dr. R. Scott Ralls, System President

Hilda Pinnix-Ragland, Chair

Agenda attachments referenced in this document were previously mailed and therefore are not attached to these minutes. If copies are needed, please contact the Office of State Board Affairs, North Carolina CC System, 200 West Jones Street, Raleigh, NC 27603-1379, (919) 807-6969.

OFFICE OF THE PRESIDENT



SBCC Approved 5/16/2008

President Date

President's May 16, 2008 Report to the State
Board of Community Colleges



NC Community Colleges

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President's Report May 2008

President's Report
to the
State Board of Community Colleges
May 16, 2008

When I accepted this position, I knew I would have high points and low points, but I never anticipated I would feel those extremes so acutely during my first couple of weeks on the job.

Certainly, a low point was the death of my wife Lisa's mother last week, and I want to thank everyone from throughout our System who expressed sympathies to our family. I mention it today only because Eileen Rowe's story was one the many great community college stories that only goes untold because there are so many great stories. She gained her bachelor's degree in nursing at the age of 50, the same year one of her four daughters graduated from high school, and was a nursing instructor at Asheville-Buncombe Technical Community College for the next 13 years. I've never seen any one more spoiled than when she was in the hospital a few years ago, because she had trained many of the nurses there. At the age of 70, she was recertified in nursing so that she could do medical missionary work and in her late 70's she taught English as a Second Language in China and later entertained Chinese officials in her home. Eileen Rowe embodied lifelong learning and the community college story and her passion for community colleges was one of the influences on my passion today.

Another low point has been the challenges we have faced in addressing this extremely difficult issue of the admission of undocumented immigrants. Like many I believe in our System, I share the dual objectives of wanting to always remain within the law, and in that regard follow legal counsel, and to also follow the principles of the open door philosophy that has been at the very foundation of our System. It is difficult for those of us in the Community College System when it may appear those objectives can seem at odds with one another. While our position on admitting undocumented individuals has now changed four times since 2001, what has remained constant has been our efforts to remain within law and to follow legal counsel, which is what we have recently done in following the advice of the Attorney General's office. I believe the attention we have gained but not sought and the challenges we have faced have made us poster children for why the overall issue must be addressed and requires greater clarity at the Federal level.

High points of the past few weeks have been the chance to participate in several graduations, our ultimate celebrations of student success and accomplishment.

A particular high point also occurred on Wednesday when I attended the announcement that Spirit Aeorsystems will locate over 1,000 new jobs to the Global Transpark in Kinston. Our System and particularly President Lancaster were extremely involved in this effort, and I have been closely enough involved to feel very confident in saying that without the existence of our System and the training opportunities to be provided through Lenoir Community College, this economic development announcement which is one of the biggest to ever occur in Eastern North Carolina would not have taken place. I have had opportunity to visit Wichita twice now to meet with Spirit officials and tour their facilities, and this opportunity I believe has the opportunity to help propel our state and our system into the forefront of aviation and advanced materials technology.

Another real high point was the opportunity to meet with all of the incredibly talented and motivated staff here at the System Office which I am sure to them must have seemed a very long meeting. During that meeting I attempted to emphasize the great importance of their jobs and the sense of urgency that I believe these times require of community colleges, as well as some of my personal philosophies.

I also wanted them to know as I move into this position, what I considered to be ten strategic emphases that I hoped to pay attention to. As I have said before, I believe developing a vision or strategic plan for the future is a very collective process and so these emphases do not represent that vision. I do believe strongly in focusing on priorities, however, and while I know priorities will change over time, these ten strategic emphases as you will are areas where I told them were areas where I hoped we at the System Office could focus and give priority in the next few months.

They include many areas that I have discussed with you previously, and areas which I hope to discuss more with you in the future. The ten areas I have identified and discussed with the System Office staff include the following:

- **Foster "system simplification" and facilitate colleges to be nimble, effective, efficient, and accountable.**
- **Enhance completion rates and bridges between programs**
- **Foster opportunities and clearer pathways for low-income students**
- **Expand health care programs**
- **Reenergize technical education**
- **Develop stronger training infrastructure and focused partnerships to enhance economic development**
- **Support drop-out prevention efforts, and increase outreach, awareness and college-readiness of middle and high school students.**
- **Enhance 2+2 partnerships through distance education and provide focus to the strategic workforce areas of teachers, nurses, and engineers.**
- **Focus on the utility of technology to enhance student learning and customer service and promote economies of scale with our educational partners, and**
- **Foster community college champions throughout North Carolina and increase awareness of the value of our North Carolina Community College System**

I shared with the System Office staff that when I returned to North Carolina many years ago and interviewed for the position I eventually held with the Department of Commerce, I had several interviews on one day that ended with Governor Hunt in his office. At each step along the way, I noticed a poster board in the

office of each person I interviewed with that had Governor Hunt's ten strategic priorities. That struck a chord with me, and I believe that focused prioritization was effective because it moved people as Governor Hunt would say to "get things done."

The ten strategic emphases that I shared with the System Office staff and with you today are really just a starting point that will be massaged, fleshed out, and with feedback I am sure in some ways will change – but I share them as areas that as I start this position, I hope to focus with our System Office staff, and areas where I hope we can "get things done."

[RETURN TO TOP OF CURRENT PAGE](#)

Last modified: Friday, May 16, 2008 01:53:25 PM
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**May 28, 2008 Letter to Michael Chertoff,
Secretary of Homeland Security from Thomas
Ziko, Special Deputy Attorney General, North
Carolina Department of Justice**

**State of North Carolina**Roy Cooper
Attorney General

May 28, 2008

The Honorable Michael Chertoff
Secretary of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

Dear Secretary Chertoff:

On behalf of the North Carolina Community College System (NCCCS), I am writing to request guidance on the scope of the federal prohibition on providing postsecondary education benefits to certain aliens.

8 U.S.C. § 1621(a) provides that certain aliens (hereinafter "unqualified aliens") are ineligible for specified State "public benefits." 8 U.S.C. § 1621(c)(1) expressly defines the prohibited State public benefits to include:

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.

While 8 U.S.C. § 1621(d) permits States to enact laws extending prohibited benefits to unqualified aliens, the North Carolina General Assembly has not enacted any such legislation.

On behalf of NCCCS, I am writing to ask whether, absent such legislation, 8 U.S.C. § 1621 prohibits NCCCS from requiring North Carolina community colleges to enroll unqualified aliens in postsecondary education courses.

Please contact me if additional information is needed. Thank you in advance for your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas J. Ziko".

Thomas J. Ziko
Special Deputy Attorney General

May 30, 2008 Letter to Hilda Pinnix-Ragland,
Chair, State Board of Community Colleges from
Warren J. Carson, Ph.D. Chairman, Board of
Trustees, Isothermal Community College

ISOTHERMAL

COMMUNITY COLLEGE

RECEIVED MAY 30 2008

May 30, 2008

Ms. Hilda Pinnix-Ragland
Chair, State Board of Community Colleges
200 West Jones Street
Raleigh, NC 27603

Dear Ms. Pinnix-Ragland:

On behalf of the Board of Trustees of Isothermal Community College, I am expressing our strong objection to the policy adopted by the State Board which denies enrollment to undocumented immigrants. We feel your action was both unnecessary and bad educational policy. We feel this is true for many reasons, but I will mention four.

First, this policy is contrary to the American principle of mass public education. It is a basic tenant of our society that the better educated the members of our society, then the better for everyone in our community.

Second, students who have earned a high school diploma in North Carolina are already a part of the state's educational system. To say that some of these students are not welcomed in the Community College System is an unjustifiable double standard.

Third, there was no real problem which necessitated change. Out of over 200,000 students in the Community College System, there were less than 200 undocumented immigrants enrolled. Clearly the out-of-state tuition they were being charged was making sure that there was no undue financial burden on the state taxpayers.

Fourth, it is far from clear that there is a legal basis which compels this policy change. Even the lawyer from the Attorney General's office stated that the Department of Homeland Security should be consulted to get a more definitive answer. Why didn't you do that before changing the policy?

SPINDALE CAMPUS
P.O. BOX 804
SPINDALE, N.C. 28160-0804
828/286-3636

www.isothermal.cc.nc.us

• An equal opportunity, learning centered institution •

POLK CAMPUS
902 HWY. 108 WEST
COLUMBUS, N.C. 28722-9445
828/894-3092

Ms. Pinnix-Ragland
May 30, 2008
Page 2

So that we would not be in conflict with state policy, our Board of Trustees has suspended our policy which allowed undocumented immigrants to register as long as they paid out-of-state tuition. We did so with great reluctance since we considered it such a bad educational decision. Our board, therefore, urges you to return to the earlier policy initiated by former President Lancaster. It was a much better policy for the people of North Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren J. Carson". The signature is written in a cursive style with a long, sweeping underline.

Warren J. Carson, Ph.D.
Chairman, Board of Trustees
Isothermal Community College

June 10, 2008 Letter to Warren J. Carson,
Chairman, Board of Trustees, Isothermal
Community College from Hilda Pinnix-Ragland,
Chair, State Board of Community Colleges



PCC: President Scott Ralls
Q Shanté Martin
Dr. Pat Skinner, NCAACC

North Carolina
State Board of Community Colleges

Ms. Hilda Pinnix-Ragland, Chair

June 10, 2008

Warren J. Carson, Ph.D.
Chairman, Board of Trustees
Isothermal Community College
PO Box 804
Spindale, NC 28160-0804

Dear Chairman Carson:

Thank you for your letter outlining your and your board's thoughts on the admission of undocumented immigrants. I appreciate your taking time to provide your perspective on this difficult and complex issue. It is rewarding to know that you and your board feel as passionately as do I and the State Board about providing educational access to every student the North Carolina Community College System is eligible to serve. I want to assure you that the State Board is fully committed to providing educational opportunity within legal boundaries.

Your letter refers to "the policy adopted by the State Board." I want to be clear that the State Board did not adopt a policy denying "enrollment to undocumented immigrants." The State Board has never dealt with this particular issue as a matter of policy. The System Office has always dealt with this issue from a legal perspective. Thank you for allowing me to provide the following details in hopes of offering clarification on how the System Office arrived at our current legal position.

Since 2000, the NCCCS's position regarding the admission of undocumented immigrants has changed four times, but while our system's position has been inconsistent, what has always been consistent is our goal of following the laws and relying on legal counsel in helping us do so. As I previously mentioned, the admission of undocumented immigrants has never been a policy issue before our State Board, but rather has been treated by our System as a legal issue based on legal interpretation of federal law.

In November 2007, the NCCCS General Counsel advised North Carolina community colleges that they could not use "non-academic" criteria, including immigration status, to deny admissions. This decision was in part based on a previous Attorney General's advisory letter which spoke to admissions but not to the specific issue of immigration status. Between 2004 and 2007, a majority of North Carolina community colleges in our state (31 out of 58) had local policies that prevented the admission of undocumented immigrants to our curriculum degree programs.

In December 2007, the NCCCS referred the November 2007 decision by the NCCCS General Counsel to the North Carolina Attorney General's Office for their advice. President Scott Ralls received the Attorney General's advisory letter on May 7, 2008. That Attorney

200 West Jones Street ♦ Raleigh, North Carolina 27699-5001 ♦ (919) 807-7100

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER

General's advisory letter questioned the legal basis for the November 2007 decision. While you are correct that the Attorney General's office advised that the System obtain further clarification, the Attorney General's office specifically advised that the System would be in a better legal position if it returned to its position held from 2001 to 2004 that prevented admission to undocumented immigrants until the System received that clarification. The Attorney General's Office offered to seek further federal clarification on the issue, and the NCCCS immediately accepted their offer. They also requested that the Attorney General's Office expedite the process as much as possible given the issues of student decisions and college planning regarding the start of the new academic year in Fall 2008.

On Friday, May 9, news reports indicated that there were statements to the press from the Department of Homeland Security referring to the lack of federal guidelines in the matter and essentially referring to the "school's choice" in making admissions decisions. Those statements were shared with the Attorney General's Office on Monday, May 12. However, after giving consideration to the news reports about the Department of Homeland Security's statement, the General Counsel for the Attorney General's Office stated that their advice to the NCCCS to follow its previous 2001-2004 position until additional clarification was provided had not changed.

While I know the System's decision to follow the Attorney General's advice was questioned by some, we felt it important to do so for two reasons. First, the NCCCS requested the Attorney General's advice at the time of the November 2007 change in position, and in every case dealing with this issue to date, we have followed legal counsel in determining our appropriate position. In this case, the legal counsel was from the Attorney General's Office. Secondly, the NCCCS has an obligation to students admitted under previous admissions positions, and regardless of their immigration status, we believe they need to be able to continue in and have the opportunity to complete their programs. However, now that the Attorney General's Office has raised question about the position our System took in November 2007, based on the advice of the then NCCCS General Counsel, we did not believe it would be responsible to admit further students and assume additional obligations until the matter is clarified. This again was the advice of the Attorney General's Office.

We continue to work with the Attorney General's Office as they seek federal clarification on our behalf. We hope that clarification is soon forthcoming so that we may focus the full attention of our entire system on educating and training North Carolina's workforce.

Sincerely,



Hilda Pinnix-Ragland
Chair, State Board of Community Colleges

cc: Members, Board of Trustees, Isothermal Community College
Dr. Myra Johnson, President, Isothermal Community College
Dr. Donny Hunter, Executive Director, NCAACCT

**July 9, 2008 Letter to Thomas Ziko, Special
Deputy Attorney General, North Carolina
Department of Justice from Sheriff (Ret.) Jim
Pendergraph, Executive Director, Office of State
and Local Coordination, U.S. Immigration and
Customs Enforcement with the U.S. Department
of Homeland Security**



U.S. Immigration
and Customs
Enforcement

JUL - 9 2008

Mr. Thomas J. Ziko
Special Deputy Attorney General
North Carolina Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602-0629

Dear Mr. Ziko:

Thank you for your letter of May 28, 2008, to Michael Chertoff, Secretary of Homeland Security. Your letter was referred to U.S. Immigration and Customs Enforcement (ICE), within the Department of Homeland Security, for response.

You inquired whether 8 U.S.C. § 1621 prohibits NCCCS from requiring North Carolina community colleges to enroll illegal aliens in post-secondary education courses, absent state legislation. Please note that admission to public post-secondary educational institutions is not one of the benefits regulated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and is not a public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). In this respect, Section 411(c)(1)(B) of PRWORA, codified at 8 U.S.C. § 1621(c)(1)(B), addresses benefits "for which payments or assistance are provided. . .", such as monetary assistance for post-secondary education.

Therefore, the individual states must decide for themselves whether or not to admit illegal aliens into their public post-secondary institutions. States may bar or admit illegal aliens from enrolling in public post-secondary institutions either as a matter of policy or through legislation. Please note, however, that any state policy or legislation on this issue must use federal immigration status standards to identify which applicants are illegal aliens. In the absence of any state policy or legislation addressing this issue, it is up to the schools to decide whether or not to enroll illegal aliens, and the schools must similarly use federal immigration status standards to identify illegal alien applicants.

We hope that this response satisfies your concerns. Please contact us if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Pendergraph", written over a white background.

Sheriff (Ret.) Jim Pendergraph
Executive Director
Office of State and Local Coordination

**July 24, 2008 Letter to Shante Martin, General
Counsel, NCCCS from JB Kelly, General
Counsel, North Carolina Department of Justice**



State of North Carolina

Department of Justice
PO Box 629
Raleigh, North Carolina
27602

ROY COOPER
ATTORNEY GENERAL

July 24, 2008

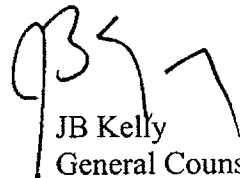
Ms. Shante Martin, Esquire
General Counsel
North Carolina Community College System
5001 Mail Service Center
Raleigh, NC 27699-5001

Dear Shante:

On July 21, 2008, our Office received the attached response from the United States Department of Homeland Security to our inquiry, on your behalf, regarding their interpretation of 8 USC § 1621(c) as it relates to community college admissions of undocumented aliens. As their response notes, Homeland Security does not consider admission of undocumented aliens to public post-secondary educational institutions to be prohibited by Federal law and "states must decide for themselves whether or not to admit illegal aliens into their public post-secondary institutions."

In accordance with the interpretation of Homeland Security and absent a State statute which addresses the enrollment of undocumented aliens in public institutions of higher education, the State Board of Community Colleges working with the North Carolina Community College System has authority to develop policies on whether or not undocumented aliens can be admitted to community colleges. See NCGS § 115D-5(a) (State Board of Community Colleges is authorized to establish admissions standards for individual institutions). Consistent with the directive from Homeland Security, however, "any state policy . . . on this issue must use federal immigration status standards to identify which applicants are illegal aliens."

Very truly yours,


JB Kelly
General Counsel

Enclosure

July 25, 2008 NCCCS Press Release regarding
Statements concerning response from Homeland
Security about admission of undocumented
immigrants

PRESS RELEASE

North Carolina Community College System

Dr. R. Scott Ralls, President

200 West Jones Street ■ Raleigh, North Carolina 27603 ■ www.nccommunitycolleges.edu

RELEASE: Immediate

DATE: July 25, 2008

CONTACT: Chancy Kapp

PHONE: (919) 807-6962

Statements concerning response from Homeland Security about admission of undocumented immigrants

Background: On May 28, 2008, at the request of the NC Community College System, the NC Attorney General's Office wrote to the Secretary of the US Department of Homeland Security, requesting clarification as to whether federal law bars admission of undocumented immigrants to the NC Community College System. By letter received July 24, 2008, the NC Attorney General's Office has informed the NC Community College System Office that the Department of Homeland Security, through the US Immigration and Customs Office, states that federal law does not bar admission.

Copies of the letters from Homeland Security and from the NC Attorney General's Office are available on the System Office website at

http://www.nccommunitycolleges.edu/News_Releases/20080725_homelandsecurityletter.pdf and

http://www.nccommunitycolleges.edu/News_Releases/20080725_immigrationdoc.pdf

NCGS 115-D, enabling legislation for the North Carolina Community College System, is accessible on the website of the North Carolina General Assembly at

<http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0115D>.

**Dr. R. Scott Ralls, President
North Carolina Community College System**

"On Thursday afternoon, the System Office received a letter from the NC Attorney General's Office informing us that the US Department of Homeland Security states that federal law does not bar admission of undocumented individuals. The letter cites NC General Statute §115D-5(a), which assigns to the State Board of Community Colleges authority to establish admission standards.

"This is an important issue for our colleges and our students, and given that authority, our State Board needs the opportunity to review and discuss these findings with the care and thoroughness they deserve. The System Office staff will work with the State Board to evaluate appropriate, timely action so our 58 community colleges have the information they need to educate students and prepare the workforce. Our current admissions practices will remain in place until the State Board has had the opportunity to discuss this issue further. "

(more)

**Statement from Hilda Pinnix-Ragland, Chair
State Board of Community Colleges**

"I am pleased that we have received the requested federal clarification regarding the admission of undocumented immigrants. Establishing admission criteria for the NC Community College System lies within the responsibilities of the State Board. Given this information and the critical nature of this issue, the State Board will review the letters and will open discussion regarding these findings at our next meeting."

The NC Community College System enrolls more than 800,000 students in 58 comprehensive community colleges. Internationally recognized for the scope and quality of its programs, the system is North Carolina's primary provider of workforce preparation and adult education. For details, contact Chancy Kapp, kappc@nccommunitycolleges.edu, 919-807-6962.

###

Statements from private and public groups
advocating for and against the admission of
undocumented students to community
college systems

The logo for the North Carolina Association of Community College Presidents (NCACCP) features the acronym "NCACCP" in a stylized, white, serif font. The letters are white and stand out against a solid black rectangular background. The "N" and "C" are connected, and the "A" is a simple triangle. The "C" and "C" are connected, and the "P" is a simple vertical line with a curve at the top.

North Carolina Association of Community College Presidents

**Statement from the North Carolina
Association of Community College Presidents:**

Admission of Undocumented Immigrant Students

August 1, 2008

The North Carolina Association of Community College Presidents reaffirms the "open door" admission philosophy stated in North Carolina Community College law. The "open door" has been a hallmark of the North Carolina Community College System since its inception.

The undocumented immigrant admissions policy for the North Carolina Community College System should mirror the current admissions policy of the University of North Carolina campuses. Therefore, we encourage the North Carolina State Board of Community Colleges to adopt a policy that would make community colleges consistent with all other public higher education institutions in North Carolina.

August 6, 2008

Members
State Board of Community Colleges
5001 Mail Service Center
Raleigh, N.C. 27699-5001

Dear Members of the State Board of Community Colleges:

As co-chairs of the Institute for Emerging Issues' Business Committee on Higher Education (BCHE), which convened last fall, we felt it imperative to write you and express our support of the North Carolina Community College System admitting all academically qualified students regardless of their immigration status.

We on the BCHE recognize that the promise of economic growth and prosperity in our state and nation depends on increasing the number of highly educated and qualified workers, and to do that our systems of higher education must be responsive to market forces.

During its deliberations, the BCHE produced a set of bold recommendations that has been presented to North Carolina's higher education leadership, both public and private universities and community colleges, as well as to North Carolina's executive and legislative leadership.

While we feel that each recommendation is critical to the future competitiveness of our state, we would like to draw your attention to one in particular:

The Need to Increase Access to Higher Education for Undocumented Students

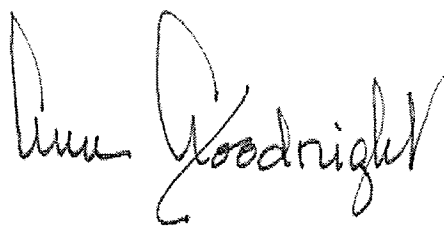
The growth rate of North Carolina's Latino community is among the highest in the nation. Latino school-aged enrollment has grown almost 50 percent in just five years. Many of these students receive all of their formal education in the North Carolina public school system. They excel in the classroom and obtain a high school diploma but are unable to gain affordable access to our state's colleges and universities because of their undocumented status. North Carolina must make higher education accessible for all academically qualified students regardless of their immigration status.

The twenty-four members of the BCHE, who represent nineteen industries and over 65,000 employees statewide, unanimously agreed that admitting all academically eligible students at our institutions of higher education makes good economic sense for our state and for our state's businesses. Therefore, we respectfully request that the North Carolina Community College System give serious consideration to admitting undocumented students.

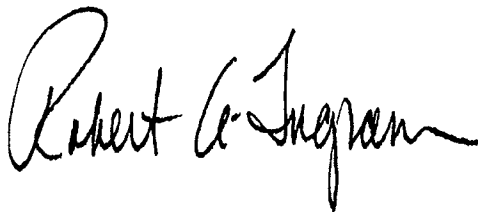
Enclosed is an Executive Summary of the BCHE's report. For a copy of our full report and a list of BCHE members, please visit IEI's website at www.emergingissues.org. If you have any questions, please contact Anita Brown-Graham, Director of the Institute for Emerging Issues, at 919-515-1881 or arbrowng@ncsu.edu.

We sincerely thank you for your leadership.

With Best Regards,



Ann Goodnight
Director, Community Relations
SAS



Robert Ingram
Vice Chairman of Pharmaceuticals
GlaxoSmithKline

August 7th, 2008

Richard Sullins
Executive Director State Board NCCCS
5001 Mail Service Center
Raleigh, NC 27699-50001

Dear NCCCS Board Members,

I am writing to you with my concerns over the issue of allowing **ILLEGAL Aliens** into our schools of higher education. I would like you to keep in mind the following points when you make your decision on this very important issue.

- Regardless of when a youngster was brought to this country, when you attend college you are an adult. These adults know that they are in the country **ILLEGALLY** and continue to take advantage of our generosity. **ILLEGAL is ILLEGAL.**
- Paying out of state tuition still does not cover all of the costs associated with getting an education in our system. They would be receiving a benefit from the State that is against the law.
- For every seat an **ILLEGAL Alien** occupies a legal tax-paying resident could have had access to.
- If you allow **ILLEGAL Aliens** into our colleges are you and the college administration not complice in **harboring criminals** on State property? Would you not, possibly be opening yourselves and the college administration up to lawsuits and arrest?
- Why would the colleges train **ILLEGAL Aliens** who by law cannot work in this State or the country. We should only be training legal residents in order to have a better-trained and vibrant workforce in North Carolina.

I encourage you to vote **NO** on the issue of letting **ILLEGAL Aliens** into our schools of higher education or to even be on the States property.

I look forward to your response.

Sincerely,



Dale R. Mancuso
36 Grantwood Dr.
Clayton, NC 27527
919 790-1865

632 Dorothy Drive
Charlotte, North Carolina 28203
August 7, 2008

**Ms. Hilda Pinnix-Ragland, Chair
State Board of Community Colleges
North Carolina Community College System
200 West Jones Street
Raleigh, North Carolina 27603**

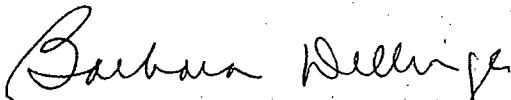
Dear Ms. Pinnix-Ragland:

I URGE you to please vote to reverse the decision to ban undocumented students from the community college system.

I hope that in addition to reversing the ban the Board will make sure it is possible for the affected students to register for this Fall's classes.

Thank you very much.

Sincerely,



Barbara Dellinger

Danielle "Dee" Grano
3000 Yadkin Ave.
Charlotte, NC 28205

Saturday, August 9, 2008

Chair Ms. Hilda Pinnix-Ragland
North Carolina Community College System
200 West Jones Street
Raleigh, NC 27603

Dear Madam:

I am writing with regard to the matter of undocumented students attending community colleges in the State of North Carolina.

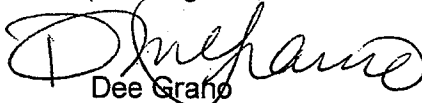
Please reverse the May decision banning these students from enrolling and attending classes. The decision is counter to the rulings and notions of the North Carolina Attorney General, Governor Easley, the UNC system president Erskine Bowles and even the Department of Homeland Security. In addition, it directly contradicts the North Carolina Community College System's own mission: to "open the door to high-quality, accessible educational opportunities that minimize barriers to post-secondary education" and to develop a "globally and multi-culturally competent workforce."

These students have worked hard to achieve the grades and other requisites necessary to enter the community college system. Our educational system has prepared them well thus far in their academic careers. Will it fail them now?

Please make this your highest priority at your August 15th meeting. An immediate reversal is needed to allow deserving students to register for fall semester classes by August 16th.

Thank you for your prompt attention.

Best regards,


Dee Grano

Dear Ms Pinnix-Ragland,

I am writing with regard to the matter of undocumented students attending community colleges in the State of North Carolina. I urge you as *a State Board Member* to reverse the May decision banning undocumented students. It is imperative that the Board acts quickly at its August 15 meeting in order to make it possible for deserving students to register for the fall semester classes by August 16th.

According to the Charlotte Observer on July 27th, the North Carolina Justice Department General Counsel J. B. Kelly has informed the Board that it has the authority to decide whether to admit undocumented students to community colleges. It is in the best interest of the State of North Carolina to encourage the higher education of all students in order to have the best possible workforce. To deny access to those students who have worked hard in our high schools to have this opportunity is to squander precious human resources.

I urge you to review the mission of the North Carolina Community College System as quoted below and note that we are seeking to develop a "globally and multiculturally competent workforce."

"The mission of the North Carolina Community College System is to open the door to high-quality, accessible educational opportunities that minimize barriers to post-secondary education, maximize student success, develop a globally and multi-culturally competent workforce, and improve the lives and well-being of individuals....."

Once again, I urge you to act quickly to return to providing higher education opportunities to all of our high school graduates.

Yours sincerely,

Martha Schmitt

Schmitt.martha@gmail.com

Dear Ms. Pinnix-Ragland:

I am writing with regard to the matter of undocumented students attending community colleges in the State of North Carolina. I urge you as the State Board Chair to reverse the May decision banning undocumented students. It is imperative that the Board acts quickly at its August 15th meeting in order to make it possible for deserving students to register for fall semester classes by August 16th.

The decision to lift the ban would be consistent with all recent judgments on this issue. The NC state Attorney General's office has reversed its decision on the community college ban, Governor Easley and UNC system president Erskine Bowles have questioned the ban, citing "considerable legal disagreement over what the relevant federal law really says," and the Department of Homeland Security has delegated the decision to the states after finding nothing in Federal law that would compel a ban on undocumented immigrant admissions. If this ban is retained, North Carolina will be the only state to take such an action against illegal immigrants. In short, *keeping the ban in place would contradict all legal opinions on the matter, as well as admissions precedents set by every other state college system in America.*

It would also directly contradict the stated mission of the North Carolina Community College System to "open the door to high-quality, accessible educational opportunities that minimize barriers to post-secondary education" and develop a "globally and multiculturally competent workforce."

It is in the best interest of the State of North Carolina to encourage the higher education of all students in order to have the best possible workforce. To deny educational access to students who have worked hard in our high schools is to squander precious human resources.

Please consider the collective wisdom of everyone who has called the legal bases of this ban into question - the state attorney general's office, Governor Easley, Erskine Bowles, the Department of Homeland Security, and countless citizens' groups. Please ask yourself whose interests the ban would serve, and under what authority it can be retained. Please ask yourself where the North Carolina Community College system will stand if it stands alone on this ban; can we really retain our status as one of the nation's most supportive states for higher education? Please understand that your decision will affect the futures of hard-working, deserving students, and will set a precedent for educational equality in North Carolina. Please act consistently with the judgment of state officials, and in the name of equal access to education, and lift this ban.

Yours sincerely,


Daniel A. Grano

Assistant Professor

the University of North Carolina at Charlotte

August 9, 2008

Dear Mrs. Penny-Ragland,

Just a note to ask you to consider allowing undocumented students to attend community colleges.

I understand they pay their own way and that there are very few of these students. They really shouldn't be punished for their parents' actions. I also realize even with degrees they can not be legally hired. Perhaps this will be just a little light for them.

Thank you for your time and for your fine service.

Sincerely,
Katherine H Paul

RECEIVED

2008

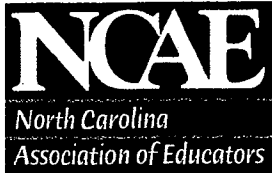
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August 11, 2008

Hilda Pinnix-Ragland, Chair
State Board of Community Colleges
5001 Mail Service Center
Raleigh, North Carolina 27699

Dear Ms. Pinnix-Ragland:

As President of the North Carolina Association of Educators, I represent over 65,000 educators who are concerned that certain students are denied an opportunity to further their education because they came to our state with their undocumented parents. These are students whose families chose a life and a destination for them.

As educators, we are charged – both ethically and judicially – with educating every child who enters our classroom, including the promotion of life-long learning as a means to becoming a healthy, productive member of society. And while the North Carolina Community College System's barring of certain students because of their parents' decision does nothing to undermine the Supreme Court's mandate to us, it does undermine how educators promote education to its students.

Teachers will be advised to not ask students what careers they aspire to for fear they may have to inform students that their parent's immigration choices make certain ambitions impossible. Guidance counselors will steer many academically gifted students away from more challenging courses in order to deter certain students from classes that prepare them for college. And as a result, many students will realize that education is not the path to economic independence, but is the punishment for living a life that was not chosen.

For North Carolina, this means the dropout rate will continue to climb in this already vulnerable group. And we all know the consequences this social ill has on our economy, our judicial system and our communities.

We understand that immigration is an issue the federal government needs to address. We understand that its inaction has created enormous problems for our state and our educational system. It is important that we also understand that we are deciding if children get educated or not and that these decisions affect our classroom as well as yours.

On behalf of our educators, please weigh the gravity of what you are deciding. NCAE will have a representative at the August 15 NCCS Board meeting. We welcome any opportunity to express this opinion during that important meeting.

Sincerely,


Sheri Strickland
President

cc: State Board of Community Colleges

Richard Sullins - Admission of Illegal Aliens to NC Colleges

From: Gogo <msgogie@gmail.com>
To: <Sullinsr@nccommunitycolleges.edu>
Date: 8/11/2008 5:17 PM
Subject: Admission of Illegal Aliens to NC Colleges

Mr. Sullins:

I will stately that I am unequivocally against the admission of illegal aliens to our community colleges. We have a crisis within our country with soaring costs for American citizens, loss of jobs, and homes. We cannot afford to place our American citizen children's future at stake by removing any seat available for them in college. I hear multiple times about compassion being focused on those that have broken our laws. It is time that our leaders, in whatever capacity, remember that charity begins at home. American children are struggling right now for their future. We need your help to make sure that their future is not in any way impeded.

Please do not allow illegal aliens access to our colleges for education they cannot rightly use by taking a job from one of my children.

--

Phyllis Smith

Richard Sullins - admission of undocumented students

From: "Almonte, Griselda" <Griselda.Almonte@YMCACharlotte.org>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/12/2008 4:44 PM
Subject: admission of undocumented students

Hello, my name is Griselda Almonte, and I work with latino population at YMCA in Charlotte. I am very sad because I know a lot indocumented students that have finished their high school this years and they are waiting to get in in college this year. Please do not kill the dreams of many of our young people.

Thanks for your attention and God Bless You,

Griselda Almonte

Richard Sullins - Attention: Members of the State Board of Community Colleges

From: "Inkrott, Andrea" <AInkrott@CharlotteDiocese.org>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/12/2008 4:31 PM
Subject: Attention: Members of the State Board of Community Colleges

August 12, 2008

President R. Scott Ralls
North Carolina Community College System
200 West Jones Street
Raleigh, NC 27603

Dear President Ralls,

I understand that the NC Attorney General, in accordance with advice from the federal government, has issued a statement determining that community colleges are allowed to determine their admissions policy and that no federal or state law prevents them from admitting undocumented students. Thus I urge you to reinstate policies permitting all students, regardless of their being documented or not, to be able to enroll in NCCCS degree programs.

There are I'm sure some persons who might see this as giving away too much but I would encourage you to perceive it rather as an investment in the future of our state in that you will be preparing young persons with talent and potential to become teachers, lawyers, professionals and business people who will give back many times more than they receive to the community in general. We need someone with courage and a depth of compassionate understanding to stand up for what is right in a time when public attitudes are fearful and punitive. I pray that you and your board will be the former and lead with your example.

Thank you and God bless you.

Sincerely yours,

Sister Andrea Inkrott
Director for Hispanic Ministry
Diocese of Charlotte
704-370-3269

Richard Sullins - "Letter in Reference to 4SBCC Members"

From: "Maureen A. Wilson" <capefearfire@aol.com>
To: <sullinsr@ncccommunitycolleges.edu>
Date: 8/12/2008 3:26 PM
Subject: "Letter in Reference to 4SBCC Members"

To Mr. R. Sullins and Ms. Hilda Pinnix-Ragland:

Dear Board members-

As a forty-year resident of North Carolina and a United States citizen, I am writing to you to register my concerns about allowing illegal aliens, (of any ethnicity) to enroll in our North Carolina Community Colleges. As a current two year business student at Cape Fear Community College, a graduate of the University of North Carolina four year college system, and a soon to be graduate of a Master's program at the University of North Carolina, I have a vested interest in who attends my taxpayer state schools.

First, despite what decision is made by the state attorney general or community colleges, any violation of U.S. immigration policy, is just that, a violation of our federal immigration law. No wonder the system is broken. Although, there is no federal law on the books according to the Department of Homeland Security, this does not mean that allowing illegals to pursue degrees precludes our **actual** immigration laws. Educating those who are here illegally, regardless of tuition status, is both unfair to those waiting in the immigration line and those who are currently vying for community college seats.

Why would we want to do this, is what I ask? Why would we spend tax dollars to educate those who currently cannot legally hold a job in North Carolina? Or, do we wish to bypass employment laws also? Furthermore, why would we educate illegal aliens to further displace American workers? We have a high unemployment rate presently in North Carolina. Never mind, our high school dropout rate and prison inmate population. We need to be reaching in these directions first and foremost with education and job training.

It is pretty clear to me and most other North Carolinians, that we are now overrun with illegal aliens from Mexico and Central America. There is **NO** end to this silent, but stealthy invasion, if we continue to aid and abet those who do not respect our immigration laws. However, our own worst enemies are American citizens who choose to ignore any and all immigration laws and further encourage the encroachment of mass illegal immigration. The North Carolina Community College system is no different if they seek to allow illegals the same rights and privileges as our citizens.

Eventually, North Carolina will see a far greater impact than a simple change in demographics which has accelerated in earnest in the last eight years. A significant demographic shift will also be apparent in the political arena as the thousands of Hispanic anchor babies take their place at the election polls. Our children and grandchildren might well lose their electoral voice in deference to a disproportionate number of illegal alien offspring.

Civitas polls among others, have indicated that North Carolinians are NOT in favor of any policies aiding illegal aliens. It is important that North Carolina legislators hear their constituents, likewise it is also crucial that the N.C. Community Colleges Board of Trustees hear their "employers". We love our

state and want to see it grow in a manner that respects future generations of North Carolinians. Bypassing U.S. immigration law, is simply one more means by which to undermine the legacy and future inheritance for our children.

Thank you for your time and I look forward to this Thursday's discussion.

Maureen A. Wilson
Cape Fear FIRE
Wilmington, NC
capefearfire@aol.com

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Richard Sullins - admission of illegal alien stufents

From: "PHIL BEAMAN" <plb@triad.rr.com>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/12/2008 9:50 AM
Subject: admission of illegal alien stufents
CC: <rallss@nccommunitycolleges.edu>

Mr. Sullins:

Will you please provide this information to each member of the N. C. Community College Board.

"I recommend that the N. C. Board of Community Colleges deny admission to any and all illegal immigrant students. As a citizen of North Carolina, I am opposed to any support to persons who are not legal citizens and believe that the Board is in violation of the law by permitting them to enroll. Furthermore, I believe it is the responsibility of admissions officers should verify the legal status of every student".

Thank you.

Philip L. Beaman, Ed.D.
540 Meadowood Dr.
Burlington, N. C. 27215
336-524-8445

Shelley T. Eason
Attorney at Law
3400 Elvin Court
Raleigh, North Carolina 27607

To the Honorable Members of the
North Carolina State Board of Community Colleges
200 West Jones Street
Raleigh, NC 27603

Re: Letter in favor of allowing undocumented students to attend North Carolina
Community Colleges

Dear Sirs and Mmes:

I am a resident of Raleigh and have practiced law here for almost 30 years. For the past year, it has been my great pleasure to volunteer at a GED class sponsored by Wake Technical College in which most of the students are Hispanic. The students I have worked with are highly motivated, diligent, capable and caring individuals. Many of them have expressed a desire to continue their education at Wake Tech in nursing and other medical fields. Virtually all of the students who received their GEDs want to continue their education. In my experience, these students are exactly the kind of people who will contribute positively to their communities and who will be a credit to the schools where they receive training.

I urge this Board to permit such students to attend Community Colleges in North Carolina regardless of their documentation. We have a great untapped resource here. With increasing shortages in medical paraprofessionals and a growing aging population, our state needs more dedicated students in medical and other fields. Undocumented residents are a fact of life in our state and nation. We have an opportunity to enhance the quality of life in our state by permitting both documented and undocumented students to attend our Community Colleges. No one benefits from depriving them of the educational resources they need to give back to our communities. I hope that you will show the state and the nation that North Carolina's Community College System has the vision to allow these students to enroll, for the benefit of all our citizens.

Sincerely,


Shelley T. Eason

Richard Sullins - Attention: Members of the State Board of Community Colleges

From: "Pablo de la Canal" <pablo.delacanal@gmail.com>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/13/2008 8:41 AM
Subject: Attention: Members of the State Board of Community Colleges

Please reconsider your decision and lift the ban on enrollment of undocumented students. We need to maintain an open door admission policy for all.

Pablo de la Canal
Ole Futbol
Charlotte, NC

From: <tshort@alltel.net>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/13/2008 7:48 AM
Subject: Attention: Members of the State Board of Community Colleges

Dear Members of the State Board of Community Colleges,

I am writing to encourage you to please maintain an open door admission policy for all individuals, including undocumented students, to all institutions in our Community College System. We fail the Mission Statement as revised and adopted on September 2006 if we do not.

Thank you for your global vision, committment and dedication to education in North Carolina.

Sincerely,
Thomas Shortell
610 McCarten St.
Monroe, NC 28112-4552

System Mission

The mission of the North Carolina Community College System is to open the door to high-quality, accessible educational opportunities that minimize barriers to post-secondary education, maximize student success, develop a globally and multi-culturally competent workforce, and improve the lives and well-being of individuals by providing:

Education, training and retraining for the workforce, including basic skills and literacy education, occupational and pre-baccalaureate programs.

Support for economic development through services to and in partnership with business and industry and in collaboration with the University of North Carolina System and private colleges and universities.

Services to communities and individuals which improve the quality of life.

Richard Sullins - Attention: Members of the State Board of Community Colleges

From: "R Charles" <rc4now@gmail.com>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/13/2008 12:38 AM
Subject: Attention: Members of the State Board of Community Colleges

Please lift the ban on enrollment of undocumented students, in order to have an open door admission policy for all, as long as they pay "out of state tuition".

R Charles
resident of Mecklenburg County, NC

Richard Sullins - Attention: Members of the State Board of Community Colleges

From: <cramseygo@hotmail.com>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/13/2008 6:49 AM
Subject: Attention: Members of the State Board of Community Colleges
Attachments: GWAVA_TEXT.htm; GWAVADAT.TXT

Hello, Please lift the ban on enrollment of undocumented students thus maintaining an open door admission policy for all. These individuals while making up a very small percentage of prospective students deserve the same rights as the thousands of "Americans" who choose not to pursue a higher education. Thank you very much for your consideration. Charles Ramsey (legal American) 4910 Water Oak rd # 5 Charlotte, NC 28211 704-292-4490

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Richard Sullins - : Members of the State Board of Community Colleges

From: <down2erth30@yahoo.com>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/13/2008 10:17 AM
Subject: : Members of the State Board of Community Colleges
Attachments: GWAVA_TEXT.htm; GWAVADAT.TXT

As a tax payer and citizen in Mecklenburg County, I ask that you maintain an open door admission policy for all. I see the role of educational institutions to better the community by providing education to all people who live there, regardless of status. To deny a segment of the population an education is to further disenfranchise them ultimately resulting in a diminishing of the community as a whole. I work for Department of Social Services and see education as a means for people to move out of poverty. If we do not assist with education, we will pay in other ways - social service agencies, jails, health agencies etc. Please maintain your focus as a place for all people to grow and not become mired in politics. Thank you for your consideration James Johnson 8808 Hunter Ridge Drive Charlotte, NC 28226

From: "Kate" <kboykin@nc.rr.com>
To: <sullinsr@nccommunitycolleges.edu>
Date: 8/13/2008 11:42 AM
Subject: In support of undocumented students
Attachments: DOC081208.pdf

Dear Mr. Sullins, attached is a letter previously sent to you from one of our volunteers. I was planning to write a letter as well but hers says everything so eloquently i decided to attach my note to what she has already said.

I have been a resident of Raleigh for 25 years, have taught in public and private schools for the past 5 years and worked in private industry for the 20 years prior. I teach a GED class for Wake Tech and many of the students we teach are Hispanic. Until I began teaching these students last year I was only aware of the issues from what I read in the paper. Now, having worked with many whose wish is to attend Wake Tech and continue their education, it is my hope that North Carolina will become a leader in the struggle to help these people attain their goals. It is my belief that this will not only enhance their lives but also those around them.

Thanks very much for your help.

Sincerely,
Kate Boykin

<<Richard Sullins said that if we send a written statement to him directly at
sullinsr@nccommunitycolleges.edu. he will take our statements to the Board.
No opportunity for oral public comments during the meeting.>>



LATIN
AMERICAN
COALITION

BOARD OF DIRECTORS

July 31, 2008

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North Carolina Community College System
200 West Jones Street
Raleigh, North Carolina 27603

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Dear President Ralls,

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Dr. Jose Gamez

Diana Palacios

In light of the recent statement from U.S. Immigration and Customs Enforcement and subsequently the N.C. Attorney General's office, determining that no federal or state law prevents undocumented students from enrolling in the North Carolina Community College System, we request that you promptly reinstate policies permitting all students, regardless of documentation status, admission to NCCCS degree programs.

While we understand that this policy decision has been complex and controversial for the North Carolina Community College System, we feel that while it remains unresolved, this highly charged issue will become further politicized and divisive.

We recognize that NCCCS's reversal of existing admission policies, one week after the initial recommendation from the Attorney General's office, was done with the expectation that the policy reversal would probably be ratified by federal opinion. We have always contended, in keeping with Governor Easley's position, that the colleges should remain open to all students at least until confirmed by federal opinion. Now that the legal justification has vanished, the policy change needs to be rescinded.

Consider the ramifications of letting the exclusion stand. What will be the effects on the trust and goodwill that the people of the state have placed in the NC Community College System? What will be the impact on the academic independence and integrity of our Community College System?

NCLR
NATIONAL COUNCIL OF LA RAZA



United Way
of Central Carolinas

Again, we urge you to act quickly to reopen admission to all students. By waiting until August 15th to address this critical issue, the NC Community College System will effectively block incoming students from enrolling in fall semester classes, as the 15th serves as the enrollment deadline for many of your campuses.

We request that NCCCS reinstate admission to undocumented students and take steps to allow them to enroll in fall classes with the same efficiency and expediency with which this access was previously revoked. We look forward to your response.

Sincerely,



Angeles Ortega-More
Chief Executive Officer
Latin American Coalition

Cc: Ms. Hilda Pinnix-Ragland, Dr. Linwood Powell, Mr. Allen H. Wellons, J.D., Ms. Jeana ElSadder, Mr. Herbert L. Watkins, Ms. Norma Bulluck Turnage, Ms. B. Joanne Steiner, Ms. Anita R. Powers, J.D., The Honorable Beverly E. Perdue, The Honorable Richard H. Moore, Mr. Chester Middlesworth, Mr. Edwin H. Madden, Jr. Ms. Anne-Marie Knighton, Dr. Thomas Houlihan, Mr. G. Gordon Greenwood, Dr. Bob H. Greene, Ms. Raichelle Glover, Dr. Stuart B. Fountain, Mr. Jimmie E. Ford, Mr. James W. (Jim) Daniels, Ms. Naomi Daggs, Dr. Tony Zeiss

4106 Glen Laurel Drive
Raleigh, NC 27612
August 14, 2008

Honored Members of the State Board of Community Colleges:

On August 15 you will be discussing the problem of admitting undocumented students to the North Carolina Community College System. Dr. Jameson Taylor in a Point of View article in the News and Observer (August 6, 2009) urged you to listen to the voice of the people in N.C. who according to Civitas Polls in 2006 and 2008 opposed by some 68-69% the admission of undocumented students to community colleges. However, I would like to propose some arguments against his advice:

1. The State Board of Community Colleges is more than an automatic conduit of opinions expressed in polls, you have been chosen for your wisdom and experience to consider the best course of action for education in North Carolina as a whole as well as for community colleges, a course that that would most benefit the state and all of its people.
2. The Community college system does not exist in isolation, it is strongly tied to both elementary and the secondary education in North Carolina as well as to university education. The elementary and especially the secondary school system in North Carolina exhibits many problems which require urgent action:: among them are a
 - a large number of dropout students,
 - a wide gap between the achievement of students from lower economic groups and minority populations as compared to students from more affluent white families
 - increasing numbers of gang members among high school and college age young people

If deserving undocumented secondary age students have no hope of continuing their education in North Carolina, the above problems will only be acerbated.

3. North Carolina as well as the whole U.S. need more young people who are motivated and Educated to the limits of their capabilities. There are large numbers of young undocumented students to whom such education would be denied if they cannot continue their education I realize that at present undocumented workers cannot be legally employed but there is hope that the U.S. Congress will soon resolve this situation by
 - permitting undocumented residents to find a way to permanent legal residence or citizenship,or
 - requiring the deportation of undocumented residents..


If a way can eventually be found to employ undocumented residents legally, North Carolina will have a larger supply of educated young people eager to work. If undocumented residents are forced

to return to their native country, the U.S., which annually spends large sums of money to fund education in less developed countries all around the world, will return well educated young people to many countries in Central America, Africa, Asia and Eastern Europe. Those young people will contribute to the economic development of their homeland but also, hopefully, remain lifelong friends of the U.S. which generously gave them many opportunities.

Finally, I attended both the Wake County and the District 4 Democratic convention in the spring of 2008. At both convention members unanimously endorsed a proposal to admit undocumented students to NC post secondary education at in-state tuition. Not all people in North Carolina are opposed to offering deserving undocumented residents a chance to continue their education.

I hope you will carefully consider the charge before you today and will decide for a course of action that is both prudent and humane.

Sincerely,



Johanna B. Ridgeway

P.S. Permit me to add a personal note: I have been an ESL teacher in the Wake County Public School System from 1980 to 2004. I am also a former displaced person from eastern Europe who arrived in the U.S. as a high school student in 1949. I was a legal resident, had a green card but was given great encouragement and help by my high school teachers and counselors in Buffalo New York and by the college administrators who generously supported my college education. I have been unspeakably grateful to this country ever since.

**August 8, 2008 Memo to Members of the State
Board of Community Colleges on the Legal
Perspective of Illegal Immigration Issues from
Shante Martin, General Counsel NCCCS**



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Dr. R. Scott Ralls, President

REPLY TO:

Q. Shanté Martin, *General Counsel*

PHONE: 919-807-6961

FAX: 919-807-7171

EMAIL: martins@nccommunitycolleges.edu

August 8, 2008

TO: Members of the State Board of Community Colleges

SUBJ: Legal Perspective of Illegal Immigration Issues

Please see the attached documents for your review in preparation for the Issues Luncheon on Thursday, 14 August 2008. The first attachment is a document I prepared to address some of the legal questions you may have. The remaining attachments are the letters I referenced in my Q&A document.

If you have any questions, please do not hesitate to ask.

Sincerely,


Q. Shante Martin, *General Counsel*

QSM/may

Enclosures

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AN EQUAL OPPORTUNITY EMPLOYER



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

Legal Perspective of Illegal Immigration Issues

Q. Shanté Martin, General Counsel

August 8, 2008

The following are potential legal questions and my legal response to those questions regarding the letters from the Department of Homeland Security and the North Carolina Attorney General's Office on 24 July 2008.

I.

QUESTION: The letter from the U.S. Department of Homeland Security/U.S. Immigration and Customs Enforcement specifically states that "[i]n the absence of any state policy or legislation addressing this issue, *it is up to the schools to decide whether or not to enroll illegal aliens . . .*" Since the federal government said that individual schools can decide whether to admit undocumented/illegal immigrants, what authority does the system office or the State Board have to tell individual colleges that they can't determine for themselves whether to admit undocumented/illegal immigrants?

RESPONSE: North Carolina General Statute section 115D-5(a) and North Carolina General Statute section 115D-20(4) gives the State Board the authority to tell local colleges that they cannot decide for themselves to admit or to deny undocumented/illegal immigrants. I acknowledge that the Department of Homeland Security said that individual schools can decide whether to admit undocumented/illegal immigrants. However, the question posed to the Department of Homeland Security was a request for their interpretation of a federal statute dealing with illegal immigration, an issue that lies squarely within the jurisdiction of the federal government. The Department of Homeland Security answered the question that was within their jurisdiction. Their statement that *individual schools* can decide whether to admit undocumented/illegal immigrants is an issue that falls within the jurisdiction of North Carolina state law, and their statement does not take into account the structure of community colleges as dictated by our legislature.

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Our legislature in North Carolina General Statute section 115D-5(a) dictates that “[t]he State Board *shall* have authority with respect to individual institutions . . . to establish and administer standards for . . . admissions.” North Carolina General Statute section 115D-20(4) limits the power of local boards of trustees to “*apply[ing]* the standards and requirements for admission . . . *established by the State Board of Community Colleges.*” (Emphasis added). Thus, the legislature gives the State Board of Community Colleges the authority to *establish* admission standards, and gives local community colleges only the authority to *apply* those standards *established* by the State Board. The legislature does not give local community colleges the authority to *establish* admission standards.

Thus, local community colleges do not have the discretion under North Carolina state law to establish their own admission policies. Since the Department of Homeland Security has said that admission of illegal immigrants is a state issue, I am interested to know about any North Carolina cases, North Carolina statutes, or North Carolina regulations that contradict the legal interpretation that local colleges do not have the authority to *establish* admission requirements.

II.

QUESTION: After receipt of the Department of Homeland Security’s letter and after receipt of the 24 July 2008 Attorney General’s letter, is there any legal authority for the State Board to maintain the position taken in the 13 May 2008 memorandum prohibiting the unrestricted admission of illegal immigrants?

RESPONSE: No. In November 2007, the System Office directed all colleges to admit undocumented/illegal immigrants based upon the regulation in the North Carolina Administrative Code requiring an “open-door.” The System Office requested advice from the Attorney General’s Office on the legality of that position. The 13 May 2008 memo from the System Office directing local colleges not to admit undocumented/illegal immigrants, absent certain restrictions, was based upon the legal interpretation by the Attorney General’s Office that the unrestricted admission of illegal immigrants to the colleges was likely in violation of federal immigration law. If the “open-door” policy was in violation of federal immigration law, it would not be enforceable because federal law supersedes state law in the area of immigration. Because of the potential for being in violation of federal immigration law, the System Office directed local colleges to refrain from admitting undocumented/illegal immigrants pending clarification from the federal government.

The System Office received that clarification from the federal government. Clarification from the Department of Homeland Security has stated that the unrestricted admission of illegal immigrants to the colleges was not in violation of any federal immigration law. Since the Department of Homeland Security has stated that it is not a violation of federal law to admit illegal immigrants, the 13 May 2008 memorandum and the basis for it is no longer effective. Since the unrestricted admission of undocumented/illegal immigrants is not in violation of federal immigration law, the North Carolina Community College System's open-door policy is not in violation of federal immigration law.

The Department of Homeland Security has said that federal law does not prohibit the admission of illegal immigrants; there is no state statute prohibiting the admission of illegal immigrants; and there is no administrative code regulation that prohibits the admission of illegal immigrants. Therefore, neither the System Office, nor the State Board has the legal authority, at this point, to support the restriction of illegal immigrants from admission.

While there is currently no legal authority for restricting the admission of illegal immigrants, there is currently a regulatory directive requiring the unrestricted admission of illegal immigrants. The open-door policy currently reflected in Title 23, Chapter 2C, section 0301(a) of the North Carolina Administrative Code provides that "[e]ach college *shall* maintain an open-door admission policy to *all applicants* who are high school graduates or who are at least 18 years of age." (Emphasis added). The open-door policy that is currently effective requires the admission of illegal immigrants because it says "all applicants." For the current open-door policy to be interpreted in any way to restrict illegal immigrants, it would have to include language such as "all applicants who are citizens of the United States" or "all applicants who are legal citizens."

In sum, given the absence of a state statute or a state regulation restricting the admission of illegal immigrants, and in light of the explicit open-door policy, the State Board does not have the legal authority at this time to maintain the position stated in the 13 May 2008 memo prohibiting the unrestricted admission of undocumented/illegal immigrants.

III.

QUESTION: Is the "open-door" policy simply a guideline or is it a policy that is enforceable in law?

RESPONSE: The “open-door” policy is a policy that is enforceable in law. In North Carolina General Statute section 115D-5(a), our state legislature has given the State Board the statutory authority to “adopt and execute such policies, regulations and standards concerning the establishment, administration, and operation of institutions as the State Board may deem necessary” The “open door” policy adopted by the State Board is reflected in Title 23, Chapter 2C, section 0301(a) of the North Carolina Administrative Code. It provides that “[e]ach college shall maintain an open-door admission . . . policy to *all applicants* who are high school graduates or who are at least 18 years of age.” Thus, the State Board currently has the legal authority to enforce the open-door policy because 23 N.C.A.C. 2C.0301 already allows for it.

IV.

QUESTION: Does the statement in the Department of Homeland Security’s letter and the statement in the Attorney General’s 24 July 2008 letter that “any state policy or legislation on this issue must use federal immigration status standards to identify which applicants are illegal aliens” mean that colleges must use federal immigration status standards if they admit illegal immigrants or does that statement only apply if the State Board adopts a policy admitting illegal immigrants?

RESPONSE: The statement from the Department of Homeland Security provides that “any state policy . . . *on this issue* must use federal immigration status standards to identify which applicants are illegal aliens.” Based upon the explicit language of the letter, I would argue that colleges would not have to use “federal immigration status standards to identify which applicants are illegal aliens” as long as the State Board did not adopt a policy *on the issue of illegal immigration*.

V.

QUESTION: What did the Department of Homeland Security mean by “federal immigration status standards” used “to identify which applicants are illegal aliens” and where can the NCCCS find these standards?

RESPONSE: It is my legal opinion that when the Department of Homeland Security said that any state policy on immigration must use “federal immigration status standards,” they meant that the State of North Carolina cannot create its own definitions/classifications of what constitutes an illegal alien. North Carolina must use the standards established by the federal

government to determine one's immigration classification if it decides to adopt a policy or enact legislation on immigration. There is a long, complicated list of federal immigration classifications used to identify immigrants and nonimmigrants. These classifications are found in the Immigration and Nationality Act, specifically Title 8, Chapter 12 of the United States Code (8 U.S.C. §§ 1101-1189).

VI.

QUESTION: What options does the State Board of Community Colleges have regarding maintaining or amending the current open-door policy?

RESPONSE: If the State Board wants to allow the admission of undocumented/illegal immigrants, the State Board does not need to initiate rule-making because 23 N.C.A.C. 2C.0301(a) by its plain language already requires the admission of illegal immigrants. On the other hand, if the State Board wants to impose any restrictions on the admission of illegal immigrants, then the State Board will be required to go through the rule-making process required by the Administrative Procedures Act in Articles 1 and 2 of Chapter 150B of the North Carolina General Statutes. To initiate the rule-making process, the Board would need to send the issue to the Policy Committee for initiation of the rule-making process. Absent special circumstances, amending the administrative code would follow the following process:

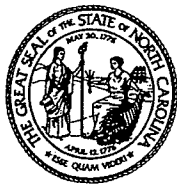
1. The proposed amendment to the current open-door policy would be placed on the "For Future Action" agenda for initiation and would be introduced and discussed at the Policy Committee meeting on 14 August 2008.
2. The proposed amended rule would be placed on the "For Action" agenda for initiation and discussed at both the Policy Committee meeting and at the full State Board meeting on 18 and 19 September 2008.
3. If the Board voted to initiate the rule-making process at its 19 September 2008 meeting, then the proposed amended rule will be submitted to the Office of Administrative Hearings Rules Division on or before 24 September 2008 for publication in the North Carolina Register on 15 October 2008. At this time, the proposed amended rule is just being initiated by the Board; it is not necessarily the final version of the rule.
4. When the proposed amended rule is published in the North Carolina Register, the Legal Affairs Office will send the proposed amended rule to State Board members, community college presidents, community

- college trustees, and others that may be affected by the proposed amendment.
5. After the proposed amended rule is published in the North Carolina Register, anyone who wants a public hearing on the proposed rule must make a written request for a public hearing to the rule-making coordinator within fifteen (15) days after the proposed rule is published in the North Carolina Register. If any person requests a public hearing or if the rule-making coordinator determines that a public hearing is necessary, then the earliest date for a public hearing would be 30 October 2008.
 6. Within sixty (60) days after the proposed amended rule is published in the North Carolina Register, the public has a right to submit written comments about the rule to the rule-making coordinator. The deadline for submitting written comments would be 15 December 2008 or until the date of the public hearing, if a public hearing is scheduled after 15 December 2008.
 7. At the conclusion of the written comment period, the proposed rule with all comments received would be resubmitted to the Policy Committee at the 15 January 2009 State Board meeting "For Future Action." The Policy Committee will discuss the proposed amendment in light of comments received, if any. Policy Committee members have the authority to recommend any modifications to the proposed amended rule.
 8. The rule-making coordinator will make any requested modifications to the proposed amended rule and bring the rule to the Policy Committee "For Action" at the 19 February 2009 State Board meeting. The Policy Committee would be recommending to the full State Board to adopt the proposed amended rule. The full State Board would vote to adopt the proposed amended rule on 20 February 2009.
 9. The rule-making coordinator would then submit the proposed amended rule to the Rules Review Commission by 20 February 2009 for their consideration and approval. (This date is an estimation based upon the 2008 publication schedule. The Office of Administrative Hearings has not released their 2009 schedule to date.) If the Rules Review Commission does not have substantive changes to the proposed rule, the effective date of this proposed rule would be in April 2009.

This would be the standard process for adopting a permanent rule.

If there are any questions about my legal interpretations, please do not hesitate to ask.

**August 13, 2008 Press Release from the Office of
Senator Philip E. Berger**



PRESS RELEASE
Senate Republican Leader
Senator Phil Berger
26th Senatorial District

Phone Number: (919) 733-5708
1026 Legislative Building

North Carolina Senate
Raleigh, NC 27601

FOR IMMEDIATE RELEASE

August 13, 2008

**BERGER: "NO" TO COMMUNITY COLLEGE
ADMISSION FOR ILLEGAL IMMIGRANTS**

News reports indicate that the North Carolina State Board of Community College's (SBCC) meetings Thursday and Friday of this week will include discussion of whether to allow illegal immigrants to attend North Carolina's community colleges. Senate Republican Leader Phil Berger (R-Rockingham) today sent a letter to North Carolina Community College President R. Scott Ralls with a copy for all members of the Community College Board urging the SBCC to maintain the current policy against admitting illegal immigrants to North Carolina's 58 state-supported community colleges.

Senator Berger made the following statement:

"The people of North Carolina welcome all who obey the law and enter the United States through legal and established protocols. The laws of our nation and state, including those that address the integrity of our nation's borders and our national sovereignty, must be respected and enforced. Legal residents and citizens should be able to take full advantage of the opportunities available through our community college system. North Carolina should not reward illegal immigrants with the privilege of attending taxpayer-supported community colleges. We need state policy and laws that discourage, not encourage, illegal immigration. Those who are here illegally should not be encouraged or rewarded by state government."

The text of Senator Berger's letter to the SBCC follows this release.

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August 13, 2008

Letter to President R. Scott Ralls, Ph.D. NCCCS
from Senator Philip E. Berger

The Honorable R. Scott Ralls, Ph. D.
North Carolina Community College System Office
The Caswell Building
200 West Jones Street
Raleigh, NC 27603

RE: Admission of Illegal Immigrants to Community Colleges

Dear President Ralls,

I understand the State Board of Community Colleges is slated to meet Thursday and Friday of this week and will discuss whether to allow illegal immigrants to attend North Carolina's community colleges. Current policy is that illegal immigrants are not eligible for admission; the purpose of my letter is to recommend that there be no change in policy.

This issue has been extensively discussed throughout North Carolina, and all indications are that the vast majority of our citizens are opposed to admission of illegal immigrants to the state's community colleges. For most people this is not very complicated – the state should not reward illegal activity. People also have concerns about whether available space and classroom seats that go to illegal immigrants will take space and seats away from legal citizens. And there is the practical issue that illegal immigrants cannot legally be employed, so that training illegal immigrants for employment further encourages disrespect for our laws.

I encourage the board to support our legal citizens and not reward or encourage breaking our laws.

Sincerely,

Philip E. Berger

PEB/sc

Cc: Members of the State Board of Community Colleges

August 14, 2008 Letter to Hilda Pinnix-Ragland,
Chair, State Board of Community Colleges from
North Carolina Lieutenant Governor
Beverly Perdue



State of North Carolina
Office of the Lieutenant Governor

BEVERLY EAVES PERDUE
LIEUTENANT GOVERNOR

August 14, 2008

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Ms. Hilda Pinnix-Ragland, Chair
State Board of Community Colleges
200 West Jones Street
Raleigh, NC 27603-1379

Dear Chairman Pinnix-Ragland and Members of the Community College Board:

I am writing to urge the State Board of Community Colleges to hold in place the current ban on admitting undocumented students.

I want to again make clear my opposition to any ultimate change in policy. However, the thrust of my letter today is to urge against any approach that will change current policy in the interim while the board decides what to do.

As you know, the System advised the colleges not to admit undocumented students in May of 2008, the third different policy in less than 8 months. I strongly oppose any action that will change the policy yet again and reverse the present ban on admission. Doing so will result in likely violations of federal law by our colleges and an expected legislative reversal.

I want to emphasize my understanding that the law does not compel the State to revert to a policy in which local colleges may turn a blind eye to the admission of undocumented immigrants. There are sound arguments for maintaining the System's current directive to the colleges and doing so is the most prudent course when all the risks and benefits are weighed. If there is uncertainty on this point, I recommend you seek the formal opinion of Attorney General Cooper as to the legal options available and their relative merits, and not rely simply on the recommendation of the Board's staff attorney.

The July 9th letter from the US Immigration and Customs Enforcement office emphasizes that states "must use federal immigration status standards to identify illegal alien applicants" to ensure that no benefits are bestowed upon illegal immigrants in violation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Any move away from the System's current directive requires that a process be in place to ensure undocumented students do not receive public benefits.

In addition to my legal concerns, I think such an approach is both inconsistent and unwise in a practical sense. I simply do not understand the policy rationale for moving from a position of banning admissions altogether to one of opening them up in a largely unrestricted fashion for a brief period while the board decides on what would be the best policy. Such an approach exacerbates the pattern of inconsistent and changing positions that has plagued the System's approach to the problem for the past several years. Compound that with the near certainty that the General Assembly will reject the entire effort when they reconvene in February and I cannot see how we, as a Board, can justify such erratic policy-making to the people of this State.

As a member of the State Board of Community Colleges and as the state's Lieutenant Governor, I urge the State Board to maintain our current position. I ask the System office to conduct a process review assessing how colleges should determine immigration status and to prepare a fiscal note documenting the resources they need to make such determinations in a timely and accurate manner. I do not see how this Board can responsibly consider a policy change without fully understanding the infrastructure and resources needed to be federally compliant.

As I noted above, at a minimum, this issue should be referred to the State Board's Policy Committee to receive careful study in light of the July 9th letter from the US Immigration and Customs Enforcement office. Finally, in my estimation moving away from current policy in the interim makes no legal, policy or practical sense.

Thank you for your time and attention as you discuss this very important issue.

Regards,



Beverly E. Perdue

Cc: Attorney General Roy Cooper

Dr. R. Scott Ralls, President, *Opening Statement*
at the Issues Luncheon of the State Board of
Community Colleges on August 14, 2008

**Opening Statement at the Issues Luncheon of the
State Board of Community Colleges
Dr. R. Scott Ralls, President
August 14, 2008**

I am proud to be a community college educator. Like most community college educators, I believe strongly in the North Carolina Community College System's open door philosophy that provides *educational access* and *opportunity*, oftentimes for students who would not have it otherwise. That philosophy is a cornerstone of our system, and it is the symbol on our logo that we proudly display. It was espoused by our System's philosophical godfather, Dr. Dallas Herring, who spoke of "total education," the "incomparable worth of all human beings," and "taking people where they are and carrying them as far as they can go."

Now, admittedly, when Dallas Herring spoke of the open door decades ago, I seriously doubt he considered it in the context of illegal immigration. But could he have known that more than three-fourths of the undocumented students enrolled in our degree programs in 2006 and 2007 were either North Carolina high school students, or North Carolina high school graduates, it may not have been a serious concern for the former Chair of the State Board of Education.

But in 2008, illegal immigration is something that many people in North Carolina and across the nation are very concerned about. As a public institution built and supported by the taxpayer dollars of generations of North Carolinians, we must respect those concerns. As the recent letter from the North Carolina Attorney General indicates, absent Federal and State law, admission of illegal immigrants is a policy matter that clearly rests within the purview of our State Board -- hence, today's information session.

As we begin to discuss our admissions policy, I suggest that it is possible to craft policies to support our open door philosophy while also addressing many of the concerns expressed by North Carolinians regarding the admission of illegal immigrants.

First, many North Carolinians are concerned about illegal immigrants taking limited spots. I assure you that is not a significant threat. Given the cost of out-of-state tuition, the numbers of undocumented students admitted to our programs have been very small -- less than one-half of one percent of enrollment in our degree programs. However, even though the enrollment of undocumented students has not involved large numbers, it is a legitimate concern we should not dismiss. We could address it by considering policies that give preference to students with in-state status where program spaces may be limited and waiting lists exist.

A second concern is the use of North Carolina taxpayer dollars to support people who have come to our state and nation illegally. All out-of-state students, including undocumented students, pay tuition costs that exceed the per-student state funding to community colleges by over \$2,000. In other words, the state actually makes money on all out-of-state community college students. But as some have pointed out, there is also the cost of construction and facility maintenance support borne at the local college level. However, there are ways for you to authorize reimbursement for those expenses through fees at the local college level if that is a concern you wish to address.

Finally, for many people, illegal immigration comes down to concern regarding respect for "the rule of law" -- providing a public benefit to someone who has broken the law. As we know from the recent clarification letter received by the North Carolina Attorney General from the Department of Homeland Security, admission to public post-secondary educational institutions is not regulated by Federal law.

However, one way of addressing this concern is by applying a standard similar to that of the UNC System that only admits illegal immigrants who are graduates of US high schools. You could also consider a more restrictive policy that requires a certain number of consecutive years of attendance in a U.S. school, thus insuring that undocumented students admitted came to the United States as minors.

Now, while I am obviously not a lawyer, my limited understanding of this issue stems from the *Plyler v. Doe* U.S. Supreme Court decision that says that primary and secondary schools may not deny enrollment based on immigration status, because as the majority opinion stated, "...children who are plaintiffs in these cases can affect neither their parents' conduct nor their own status."

Legal precedents aside, my own experience as the son of a Methodist minister who moved from town to town in North Carolina suggests to me the merit of this legal position. During every move my family made, I cannot remember one single time that I wanted to move, but whether it was to Mt. Airy, or to Morganton, or had it been to Mexico City, I went because my parents went -- legally or not.

(over)

Now, while many of these students may not have arrived in the United States legally, many of them came as minors, and for what it is worth, I have difficulty with the notion of punishing minors for the actions of their parents. Not knowing if and how illegal immigration may be addressed by the Federal government in the future, there is also the economic consideration of these current public school students one day potentially being legal caregivers, service providers and production workers in our state's economy, and the question of whether they are trained or not will be important.

Illegal immigration is obviously an extremely difficult issue, one where legitimate arguments, I personally believe, can be made by people who hold diametrically opposed positions. It is also widely held that this is an issue best addressed at the Federal level. Lacking that attention, however, it is increasingly being left to states, localities, and in our case, educational institutions to struggle to address to varying degrees.

In the absence of Federal or State law to the contrary, enacting any policies regarding the issue of admission of illegal immigrants clearly lies within your authority. However, unlike the UNC Board of Governors, the State Board of Community Colleges must comply with the Administrative Procedures Act. Any policy changes you initiate now or in the future must be crafted and administered through our cumbersome rule-making process and will take several months to enact.

Also, as we learned from the Department of Homeland Security clarification, any policies regarding this matter must use Federal immigration standards in identifying which applicants are illegal. Our current applications policies use these standards with student verification signatures, but as best we can tell, going beyond this point is relatively uncharted water for higher education institutions and will present very real logistical and infrastructure challenges for us. In this regard, I have asked Van Wilson, our Associate Vice President for Academic and Student Services, to brief you on these challenges.

Finally, we must consider our responsibility during the interim period -- the time between today and the date when any new admission policy could be enacted by you given our lengthy rules process.

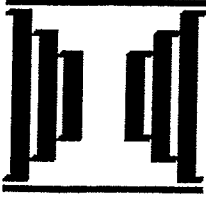
It is important to point out that we have changed our position on the admission of illegal immigrants five times in the last eight years. Each time, we've attempted to follow legal guidance on Federal law that would supersede our existing policies. While our position on admission has obviously been very inconsistent during this eight-year period, we have consistently attempted to do what is legal.

Today, you will first hear from Shanté Martin, our General Counsel. With the recent clarification from the US Department of Homeland Security through the North Carolina Attorney General, it has been clarified that there is no Federal law that prohibits student enrollment based on immigration status. Additionally, the only admissions policy we have found that was enacted by this Board or by the Board in earlier years and is now part of statute is the one passed many years ago that refers to our "open door admissions" and the "admission of all applicants." Therefore, based on our precedent of following legal interpretation, and again, in this case, based on a legal interpretation that we reviewed and we also confirmed in meetings with the North Carolina Attorney General's office, and given our current open admissions policy, we feel obligated to follow this policy during the interim period until any permanent policy can be enacted to the contrary. Your review today and tomorrow will allow you to draw your own conclusions, and we will move forward together, as a system, based on your assessment of this matter.

I appreciate your attending today's information session, and your willingness to listen to and to address this very difficult topic in a reasoned and civil manner. Given the remarkable role and impact that North Carolina Community Colleges have had since their inception, I do not believe that any of us would have believed that *this* would be *the issue* to bring us to the forefront of such attention. But we have the opportunity to once again be leaders by having reasoned discussion and careful consideration about a topic that has enormous implications for our state's and nation's future while invoking such emotion as to make reasoned discussion difficult. We appreciate your attempt to do that today, and we await your questions and deliberation.

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**August 15, 2008 Minutes of the State Board of
Community Colleges, NC Community
College System**



Preparing North Carolina's World-Class Work Force

State Board of Community Colleges
Caswell Building, 200 West Jones Street
Raleigh, North Carolina

August 15, 2008

9 a.m.

CALL TO ORDER

Following proper public notification and a determination that a quorum was present, the meeting of the State Board of Community Colleges (SBCC) was called to order by Chair Pinnix-Ragland at 9 a.m. She welcomed those in attendance. The following members were present:

Hilda Pinnix-Ragland, Chair
Linwood Powell, Vice Chair
Naomi W. Daggs
James W. Daniels
Jimmie E. Ford
Stuart B. Fountain
Raichelle Glover
Bob H. Greene
Gordon "Buddy" Greenwood

Thomas Houlihan
Edwin H. "Eddie" Madden, Jr.
Treasurer Richard Moore
Represented by Pam Wortham
Lt. Governor Beverly Perdue
Anita R. Powers
B. Joanne Steiner
Norma B. Turnage
Jeana J. El Sadder

Absent : Anne-Marie Knighton, Chester P. Middlesworth, Herbert L. Watkins, and Allen Wellons

Mike Arnold, Policy Director, Office of the Lt. Governor, also attended.

On behalf of the Board, Ms. Pinnix-Ragland welcomed those in attendance and recognized the new SBCC members, Naomi Daggs, Anita Powers, and Jeana El Sadder.

ETHICS AWARENESS AND IDENTIFICATION OF CONFLICTS OF INTEREST

The Chair advised members of the ethical requirements for those who serve as public servants and requested they identify any conflicts or potential conflicts of interest present. None were identified.

APPROVAL OF THE MINUTES

Dr. Greene moved to approve the minutes of the July 18, 2008 SBCC meeting. Ms. Steiner seconded the motion, and the minutes were approved by the Board.

CHANGES IN AND APPROVAL OF AGENDA

The Board suspended the rules and approved amending the agenda based upon Committee recommendations with the motions presented and approved as follows. Mr. Greenwood requested to remove Attachment FC-8 from for action, adding there would be an additional request related to this attachment. The Chair granted the request. Dr. Fountain requested the removal of Attachment Pol. 2, adding it had now been referred to Program Services, and the request was granted. In separate motions, Dr. Fountain requested to move from future action to action Attachment Pol. 3 and Attachment Pol. 4. Those motions were seconded by Dr. Greene and Mr. Ford, respectively. He then moved to add as Attachment Pol. 5 "Proposed Motion" (a motion related to undocumented students), and the motion was seconded by Ms. Steiner. Ms. Turnage moved and Dr. Greene seconded to add Attachment Prog. 12 "Customized Training Program Guidelines." Mr. Madden then moved for approval of the agenda, Dr. Fountain seconded, and the agenda was approved by the Board as amended.

APPROVAL OF THE CONSENT AGENDA

Dr. Fountain moved to approve the consent agenda. The Board approved the motion that had been seconded by Mr. Greenwood, thereby approving the items that follow.

FINANCIAL AND CAPITAL NEEDS COMMITTEE

For Action

2008-2009 Budget Allocations

The Board approved the 2008-2009 budget allocations totaling \$1,143,410,550 as presented in Attachment FC-9 "Budget and Policy Issues Included in the 2008 Appropriations Act".

Construction/Property/Bond Authorization Report

The Board approved the *Construction and Property Report* and the *Bond Authorization Report* as of July 18 and further outlined in Attachment FC-10.

The Learning Edge - Learning Object Repository (LOR)

The Board approved a contract renewal with The Learning Edge for \$231,250 for the NCCCS LOR for the period September 1, 2008-August 31, 2009. (See Attachment FC-11)

Contractual Services - Project Management Services - Extend ITS Memorandum of Understanding

The Board approved an extension of the MOU with State Information Technology Services for professional project management services in a capacity of 50% part time at a cost not to exceed \$65,500 for October 1, 2008 through June 30, 2009. (See Attachment FC-12) [CA]

PROGRAM SERVICES COMMITTEE

For Action

Curriculum Standard Revisions

The Board approved revisions to the curriculum standards as requested by the college listed as found in Attachment Prog. 7: Asheville-Buncombe TCC *Surgical Technology* [A47540], Blue Ridge CC *Automotive Restoration Technology* (Diploma) [D60140], Pitt CC *Computed Tomography and Magnetic Resonance Imaging Technology* (Diploma) [D45200], and at the request of the Transfer Advisory Committee *Middle Grades Education* [A1011A] *Associate in Arts Pre-Major*.

Curriculum Program Applications (Fast Track for Action)

The Board approved program applications for *Therapeutic Massage* [A45750] at Haywood CC and *Medical Office Administration* [A25310] and *Office Administration/Legal* [A2537A] at Southwestern CC. (See Attachment Prog. 8)

Courses of Instruction to Captive/Co-Opted Groups

The Board approved in Attachment Prog. 9 the following courses of instruction to captive/co-opted groups:

- A. Curriculum Application: Pamlico CC at Pamlico Correctional Institution (CI) - D35300
- B. Curriculum Program of Study Revisions: Beaufort County CC at Hyde CI - D35220, D15240, D50340, and D50420; and at Central Carolina CC at Harnett CI - A25120.
- C. Basic Skills: Southeastern CC at Tabor CI - BSP P 2000
- D. Continuing Education: Asheville-Buncombe TCC at Craggy CAS3120, Coastal Carolina CC at Camp Lejeune Brig CAS3040, Forsyth TCC at Forsyth Correctional Center PLU3024, AHR3030, ELC3014, and AUT3109.

OTHER PRESENTATIONS/REPORTS

Administration of the Oath of Office

Ms. Naomi W. Daggs of Rockingham, appointed to the Board by the NC Senate (term to expire June 30, 2011), was administered the Oath of Office by Senator William R. Purcell.

Representative Russell E. Tucker followed Senator Purcell, and administered the oath to NC House appointee Ms. Anita R. Powers of Wallace (term to expire June 30, 2009) and to Ms. Jeana El Sadler of Reidsville, N4CSGA president (term to expire June 30, 2009).

Introduction of New College Presidents

Chair Pinnix-Ragland congratulated Dr. Spalding, Dr. Findt, and Dr. Chew, the three new college presidents to be introduced. Board of Trustees Chair Ray Paradowski introduced Dr. Carol S. Spalding, the third president of Rowan-Cabarrus Community College; former Board of Trustees Chair Pat B. Smith introduced Dr. William "Bill" Findt as the next president of Bladen Community College; and Dr. Catherine Chew, the new president of Craven Community College, was introduced by Board of Trustees Chair Daniel F. Pritchett

NCACCP, Dr. Patricia Skinner, 2007-08 President

- Dr. Skinner reported that Dr. Stephen Scott had requested that she report to the Board to present the NCACCP 2007-08 Program of Work Summary Report that is attached as Exhibit III. Dr. Skinner said this had been a year of great transition with new presidents that provided a lot of challenges and opportunities. While a great deal was accomplished in all areas, they are particularly pleased with the changes in the Nursing Rule.
- She thanked the NCACCP officers, committee chairs, and the membership and for their collaborative work and that of the System Office staff, SBCC, and NCACCT, and said that it had been a privilege and honor to serve and thanked the SBCC for their work and standards by which they operate.

NCACCT, Mr. George Regan, President

(In the absence of Mr. Regan, the report was given by Dr. Donny Hunter)

- The work of the Joint Legislative Committee of the Trustees and Presidents has now been joined by representatives of the State Board and System Office to produce a plan of action for the 2009 Legislative Session and is moving along nicely with a target date of September 12 for a final plan. Dr. Hunter thanked everyone who worked on the plan, noting it was a pleasure to work in such a cooperative spirit with great enthusiasm.
- The Community College Cabinet will meet on September 10 during the NCACCT Leadership Seminar being held on September 10-12. Both gubernatorial candidates will speak during the Seminar. SBCC members were encouraged to attend to listen and share thoughts on decisions the next Governor will make regarding community colleges.
- NCACCT extended their thanks and congratulations to Fred Williams for his service to the System and encouraged him to consider becoming a trustee in his retirement.

**NC Comprehensive Community College Student Government Association,
(N4CSGA), Ms. Jeana J. El Sadder, President**

- Officers were installed when the N4CSGA Executive Board held their annual Bonding Retreat at Peace College July 13-16. N4CSGA thanked Dr. Ralls for joining the Board to discuss his plans and goals for the System and members and advisors talked about plans for the upcoming academic year. New Officer and Advisor Training will be held September 13 at Durham TCC.
- The Fall Conference will be held in Greenville NC. "N4CSGA, Celebrating 40 Years – The Gift of a Collective Voice" will take place October 31-November 2.
- The Advocacy Retreat is tentatively scheduled for February, where the Executive Board will focus more on advocating for increased funding for NCCCS.

STANDING COMMITTEE REPORTS

FINANCIAL AND CAPITAL NEEDS COMMITTEE, Mr. Herbert Watkins, Chair

(In the absence of Mr. Watkins, the report was given by Mr. Gordon Greenwood, Acting Chair.)

The Board received upon the recommendation of the Financial and Capital Needs Committee:

For Action**CORD Service Agreement for Vocational and Technical Education Faculty**

Mr. Greenwood moved, Ms. Glover seconded, and the Board approved the first year of a proposed three-year contract not to exceed \$270,000 for the period September 1, 2008 to June 30, 2009 with the Center for Occupational Research and Development (CORD) to maintain and expand the NC Network for Excellence in Teaching (NC-NET) for online professional development for vocational and technical education staff. (See Attachment FC-1)

BioNetwork Grant Award Recommendations for Fiscal Year 2008-2009

Dr. Greene seconded a motion by Mr. Greenwood to approve allocations totaling \$1,453,831 for the BioNetwork Equipment and Innovation Fund Initiative for FY 2008-09 and awarding the allocations to the colleges as recommended and further stipulated in Attachment FC-2.

BioNetwork Service Agreements to Wake Technical Community College and Fayetteville Technical Community College

Mr. Greenwood presented a motion, seconded by Ms. Steiner and approved by the Board, to approve professional service agreements further described in Attachment FC-3 with Wake TCC and Fayetteville TCC totaling \$150,000 (\$75,000 each) to collaborate on a joint project to develop an immersive learning development virtual studio.

Approval of the Budget Allocations for Six BioNetwork Centers

Mr. Greenwood moved to approve budget allocations totaling \$3,925,000 to Robeson CC, Asheville-Buncombe TCC, Gaston College, Pitt CC, Wake TCC, Forsyth TCC, and a Forsyth and Guilford TCC partnership for BioNetwork Centers for FY 2008-09 and further defined in Attachment FC-4. Ms. Powers seconded the motion that was then approved by the Board.

North Carolina State Education Assistance Authority

Mr. Greenwood moved, Mr. Daniels seconded, and the Board approved to renew a contract in an amount not to exceed \$175,312 for FY 2008-09 with the NC State Education Assistance Authority to administer the NCCC Grant Program as further described in Attachment FC-5.

Expansion of Community College Grant Program

Mr. Greenwood presented a motion to approve and expand the NCCC grant program for academic year 2008-09 to include the classification of "independent students" at an estimated total cost of \$3,550,050 so that those students would be less likely to have to obtain personal loans for college expenses. This amount is in addition to the \$13,981,202 appropriated by the General Assembly for FY 2008-09. Ms. Daggs seconded the motion, and the Board approved the program and the expansion that will be funded using carry forward appropriated funds. (See Attachment FC-6)

Revision to the Accounting Procedures Manual – Use of Overhead Receipts

Mr. Greenwood moved, Dr. Greene seconded, and the Board approved to amend Section Four, Subsection X of the Accounting Procedures Manual to make clear the authority to use overhead receipts for both the payment of audit costs and grants administration and student services. (See Attachment FC-7)

Approval of a Lease Agreement Between Rowan-Cabarrus Community College and Castle & Cooke Company

Mr. Greenwood shared that his request to remove this item from action was due to the need for additional time to resolve issues remaining with the lease before it could be approved; however, he requested permission for the FCN Committee to call a telephonic meeting upon

receipt of an acceptable lease agreement and for ratification of the Committee's actions by the Board at the Board meeting immediately following. Mr. Ford seconded the motion and the Board approved it. The Chair reminded Mr. Greenwood of the requirement that the called meeting comply with the Open Meetings Law. (Attachment FC-8)

POLICY COMMITTEE, Dr. Stuart Fountain, Chair

The Board received upon the recommendation of the Policy Committee:

For Future Action

Approval of Proprietary School Licenses: Sunrise School of Dental Assisting and National Personal Training Institute of Charlotte

The Board will be asked to approve proprietary school licensure for Sunrise School of Dental Assisting and National Personal Training Institute of Charlotte for the programs listed in Attachment Pol. 1.

For Action

Initiate Rule Making to Amend 23 NCAC 02D .0304 "Expenditures of State Funds: Accreditation Expenses & Dues"

Dr. Fountain moved, Mr. Daniels seconded, and the Board approved to initiate Rule Making to amend 23 NCAC 02D .0304 "Expenditures of State Funds: Accreditation Expenses & Dues" as proposed in Attachment Pol. 3.

Withdraw from the Rule Making Process 23 NCAC 02C .0110 "Accountability and Audit Responsibilities"

Dr. Fountain explained that it was felt that the Rule proposed to add 23 NCAC 02C .0110 "Accountability and Audit Responsibilities" to the NC Administrative Code could be handled internally rather than require a Rule, and then presented a motion to withdraw this Rule from the Rule making process. Ms. Steiner seconded the motion and the Board approved the withdrawal. (Attachment Pol. 4)

Proposed Motion Re. Admission of Undocumented Students to Community Colleges

With the recent clarification from the US Department of Homeland Security received through the North Carolina Attorney General on the admission of undocumented students into community colleges, Dr. Fountain reported that the Policy Committee had an in-depth discussion on the topic. On behalf of the committee, he presented a written motion in Attachment Pol. 5 to conduct a study. Lt. Governor Perdue then requested and was granted permission to make a preliminary motion "to maintain the May 13, 2008 directive from the president that bans the admission of undocumented students to NC's community college system while the long-term policy is being examined." That motion was seconded by Dr. Houlihan. Chair Pinnix-Ragland called for a vote by a show of hands, and 11 members raised their hands in approval of the motion. Dr. Fountain then continued and presented the motion in Attachment Pol. 5 that was seconded by Mr. Ford to employ an independent consultant to study issues surrounding the admission of undocumented students into the NCCCS, and requested the System President and staff prepare a document outlining the scope of study further defined in the attachment, to move forward to procure and select a consultant through an RFP process for the study, that the study be delivered to the Policy Committee of the SBCC, and the study shall be funded by State Board Reserve funds. The

Chair then called for a *viva voce* vote on the motion included in Attachment Pol. 5 that had been made by Dr. Fountain. The Board unanimously approved the motion. Dr. Fountain thanked Dr. Ralls and General Counsel Martin who had provided a very informative issues session on immigration on Thursday and for their leadership as the Board continues to undertake this important issue.

PROGRAM SERVICES COMMITTEE, Ms. Norma B. Turnage, Chair

The Board received upon the recommendation of the Program Services Committee:

For Information

General Application Approvals by System President

Program applications were approved by the System President for McDowell TCC to offer *Web Technologies* [A25290] and Montgomery CC *Welding Technology* [A50420].

Special Termination Approvals by System President

Approval was granted by the System President to terminate *Real Estate Appraisal* [A25420] and *Real Estate Licensing* (Certificate) [C25480] at Wake Technical CC.

For Future Action

Curriculum Procedures Reference Manual Revisions

The Board will be asked to consider approval of three program application procedures to be effective January 2009 listed in Attachment Prog. 3.

Curriculum Standard Template Revisions

The Board will be asked to consider approval of revisions to the curriculum standard template as requested in Attachment Prog. 4.

Curriculum Standard Revisions

The Board will be asked to consider approval of curriculum standard revisions for *Veterinary Medical Technology* [A45780] and *Cosmetology* [A55410] further described in Attachment Prog. 5.

First Addendum to Memorandum of Agreement for Davidson County Community College Early College High School

The Board will be asked to consider approval of the First Addendum to Memorandum of Agreement for Davidson County Community College and Davie County Board of Education for Davie Early College High School as presented in Attachment Prog. 6.

For Action

New and Expanding Industry & Customized Industry Training Reports

- In separate motions Ms. Turnage moved to approve the *New and Expanding Industry Training 2007-2008 Annual Report* as presented in Attachment Prog. 10 and *Customized Industry Training 2007-2008 Annual Report* as presented in Attachment Prog. 11 as required by N.C.G.S 115D-5.1(d). The motions were seconded by Dr. Greene and Mr. Ford, respectively, and approved by the Board.

Customized Training Program Guidelines

Ms. Turnage reported that the Committee had been provided a very detailed report on the Customized Training Program and recommended that it be the topic of an issues session in the near future. Per legislative action taken on H.B. 2436, Section 8.7(a) and (b), the New and Expanding Industry, Focused Industry, and Customized Industry Programs were consolidated into the Customized Training Program. Ms. Turnage moved for approval of the Customized Training Program Guidelines as presented in Attachment Prog. 12. Ms. Steiner seconded the motion that was then approved by the Board.

ACCOUNTABILITY AND AUDIT COMMITTEE, Ms. Anne-Marie Knighton, Chair (In the absence of Ms. Knighton, the report was given by Ms. Raichelle Glover, Acting Chair.)

On behalf of the Accountability and Audit Committee, Ms. Glover reported there were no items that required the attention of the Board.

PERSONNEL COMMITTEE, Dr. Linwood Powell, Chair

Dr. Powell moved, Mr. Greenwood seconded, and the Board approved to go into closed session to discuss personnel matters. Following the Board's discussion, it reconvened in open session.

The Board received upon the recommendation of the Personnel Committee:

For Action

EPA Approvals

Dr. Powell presented separate motions to approve Kennon Briggs as NCCCS Executive Vice President and Chief of Staff at a salary of \$190,000, Jennifer Haygood as Vice President and Chief Financial Officer at a salary of \$130,000, and Jay Baucom as Associate Vice President for Information Resources and Technology at a salary of \$122,000. The motions were seconded by Mr. Madden, Ms. Turnage, and Mr. Ford, respectively, and all are effective September 1, 2008.

Resolution to Honor Fred G. Williams

To show its appreciation and esteem the Board approved a Resolution honoring Fred G. Williams, who has served as Executive Vice-President and Chief Operating Officer of the NCCCS since October 2002 and served at Robeson CC for 37 years prior to coming to the System Office. The resolution is attached as Exhibit II. The motion by Dr. Powell, seconded by Mr. Ford, was unanimously approved by the Board. Chair Pinnix-Ragland presented the resolution and applauded Mr. Williams for a phenomenal job and outstanding career as an educator and wished him well in his retirement. He will retire on August 31, 2008.

NEW BUSINESS

The Chair called for new business. Mr. Ford asked if consideration had been given to four-day work weeks to assist students with increasing transportation costs, and his concern was noted. Mr. Greenwood thanked members of the media for coming and invited them to return, especially when the Board is focusing more on other needs for the education of our future workforce.

PRESIDENT'S REPORT TO THE STATE BOARD OF COMMUNITY COLLEGES

President R. Scott Ralls' report to the Board is attached as Exhibit I and is available on the NCCCS website at:

http://www.nccommunitycolleges.edu/External_Affairs/prrpt071808.htm

SUMMARY OF CHAIR 'S CLOSING REMARKS

- Congratulations on a job well done were extended to Dr. Ralls who has completed his first 100 days as System President and to General Counsel Q. Shante' Martin on her extensive work on the issue of immigration.
- The Chair reminded members that the SBCC has a responsibility to have a policy on immigration and of the critical decision before them in dealing with this issue. She applauded them for their decision to request a study to gain a better understanding of surrounding issues before voting on such an important policy and urged that they continue to review the mass correspondence being received related to this issue. She requested that Ms. Martin and Mr. Sullins, NCCCS Staff, insure a response is sent to all letters and e-mails received by the SBCC related to admission of undocumented students.
- **NEXT MEETING:** Chair Pinnix-Ragland announced the next SBCC meeting will be September 18-19, 2008 in the Caswell Building located at 200 West Jones Street, Raleigh, NC.

ADJOURNMENT

Finding no further business to discuss, the Chair called for a motion to adjourn. Ms. Steiner moved, Mr. Ford seconded, and the Board approved to adjourn at 11:07 a.m.

RESPECTFULLY SUBMITTED BY:

Secretary



Dr. R. Scott Ralls, System President

APPROVED BY:



Hilda Pinnix-Ragland, Chair

Agenda attachments referenced in this document were previously mailed and therefore are not attached to these minutes. If copies are needed, please contact the Office of State Board Affairs, North Carolina CC System, 200 West Jones Street, Raleigh, NC 27603-1379, (919) 807-6969.

*Added as
attachment Pol. 5*

**POLICY COMMITTEE
DR. STUART FOUNTAIN, CHAIRMAN**

PROPOSED MOTION

The Policy Committee recommends, and I so move, that the State Board of Community Colleges employ an independent consultant to study issues surrounding the admission of undocumented students into the North Carolina Community College System (NCCCS). The Board directs the System President and his staff to prepare a document outlining the scope of study, including but not limited to the following:

- A survey and analysis of policies for admission and pending or ratified state or federal legislation of undocumented students in institutions of higher education in other states;
- Processes of verification to differentiate between U.S. citizens and undocumented students;
- Under what conditions undocumented students are admitted to the systems of higher education;
- Assemble a compendium of the history of the admission of undocumented students into the NCCCS; and
- What policies and possible policy options can and should be developed to address the admission of undocumented students.

Dr. Ralls is directed to move forward, under the state rules of procurement and with the Division of Purchase and Contract, to identify and select a consultant through a "Request for Proposals" process.

The Policy Committee recommends that the study be completed and delivered to the Policy Committee of the State Board upon its completion. The study shall be funded by State Board Reserve funds.

**SBCC
08/15/08**

**August 15, 2008 Memo to Community College
Presidents, VP/Deans of Instruction, VP/Deans of
Student Development, VP/Deans of Continuing
Education, Admissions Officers, and Registrars
from Q. Shante Martin, General Counsel,
NCCCS (CC08-181)**



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

R. Scott Ralls, Ph.D.

President

August 15, 2008

IMPORTANT INFORMATION

MEMORANDUM

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

FROM: Q. Shanté Martin, *General Counsel*

**RE: ADMISSION OF UNDOCUMENTED OR ILLEGAL
 IMMIGRANTS**

On August 15, 2008, the State Board of Community Colleges directed the Community College System to maintain the May 13, 2008 directive restricting the admission of undocumented or illegal immigrants to community colleges during the period in which the State Board examines a long-term policy. Thus, community colleges should continue to implement the directive provided in the May 13, 2008 Memorandum CC08-114.

CC08-181
Email