

Current and Emerging Legal Issues for Community Colleges

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Jessica Lunsford Act
Session Law 2008-117/House Bill 933
Effective December 1, 2008

SECTION 12. Article 27A of Chapter 14 of the General Statutes is amended

by adding a new section to read:

"§ 14-208.18. Sex offender unlawfully on premises.

(a) It shall be unlawful for any person required to register under this Article, if the offense requiring registration is described in subsection (b) of this section, to knowingly be at any of the following locations:

(1) On the premises of any place intended primarily for the use, care, or supervision of minors, including, but not limited to, schools, children's museums, child care centers, nurseries, and playgrounds.

(2) Within 300 feet of any location intended primarily for the use, care, or supervision of minors when the place is located on premises that are not intended primarily for the use, care, or supervision of minors, including, but not limited to, places described in subdivision (1) of this subsection that are located in malls, shopping centers, or other property open to the general public.

(3) At any place where minors gather for regularly scheduled educational, recreational, or social programs.

23 NCAC 02D .0304 Expenditures of State Funds: Accreditation Expenses & Dues

(Currently before the State Board of Community Colleges)

- (a) Accreditation expenses relative to Southern Association of Colleges and Schools may be paid from state funds within the institution's current allotment. These expenses shall be limited to payment of travel, subsistence, lodging, and honorarium incurred by members of visiting committees, other bona fide representatives, and members of the staff of accrediting organizations. This Rule permits payment of only those expenses for which an institution is customarily invoiced by an accrediting organization following a visit.
- (b) The institution may pay from state funds the required annual dues of the Southern Association of Colleges and Schools, and such institutional association membership dues as the board of trustees deems to benefit the institution. Regarding membership dues in the Southern Association, this Rule applies to annual dues of correspondents and candidates for membership, as well as accredited members.
- (c) The institution may also pay from state funds the fees for accrediting individual programs offered by the institution ~~where such an accreditation is an official prerequisite for the licensing of graduates of such programs by legally designated professional or occupational licensing boards or agencies in the State of North Carolina. State funds may not be used to pay the accreditation costs of any other organizations or agencies.~~ when the accrediting agency from which the accreditation is sought, is officially listed by the U.S. Department of Education or the Council on Higher Education Accreditation as a recognized accrediting agency or organization.
- (d) Except as provided by this rule, state funds may not be used to pay the accreditation costs of any other accrediting organizations or agencies.

23 NCAC 02D .0304 Expenditures of State Funds: Accreditation Expenses & Dues

(Proposed by Q. Shanté Martin)

(c) The institution may also pay from state funds the fees for accrediting individual programs offered by the institution in the following circumstances:

(1) Where such an accreditation is an official prerequisite for graduates of such programs to be licensed, certified, or registered by legally designated professional or occupational licensing boards that license, certify, or register, or agencies in the State of North Carolina;

(2) When the accrediting agency from which the accreditation is sought, is officially listed by the U.S. Department of Education or the Council on Higher Education Accreditation as a recognized accrediting agency or organization; or

(3) When the accrediting agency is a member of the Association of Specialized and Professional Accreditors.

§ 115D-1.1. Discretion in Admissions

Notwithstanding G.S. 115D-1, a student under the age of 16 may enroll in a community college if the following conditions are met:

(1) The president of the community college or the president's designee finds, based on criteria established by the State Board of Community Colleges, that the student is intellectually gifted and that the student has the maturity to justify admission to the community college; and

(2) One of the following persons approves the student's enrollment in a community college:

- a. The local board of education, or the board's designee, for the local school administrative unit in which the student is domiciled or is enrolled.
- b. The administrator, or the administrator's designee, of the nonpublic school in which the student is enrolled.
- c. The person who provides the academic instruction in the home school in which the student is enrolled.
- d. The designee of the board of directors of the charter school in which the student is enrolled.
- e. The administrator of the college or university where the student is enrolled.

The State Board of Community Colleges, in consultation with the Department of Public Instruction, shall adopt rules to implement this section. (2001-312, s. 2; 2001-487, s. 76; 2005-77, ss. 2, 3.)

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.

§ 115B-2A Fee Waiver Authorized

"Chapter 115B. Tuition and Fee Waivers."

SECTION 2. Chapter 115B of the General Statutes is amended by adding a new section to read:

§ 115B-2A. Fee waiver authorized.

The constituent institutions of The University of North Carolina and the community colleges as defined in G.S. 115D-2(2) shall permit any person to attend classes for up to six hours of credit or noncredit purposes each academic semester without the required payment of fees, excluding textbooks, the community colleges computer use and technology fee, and community college course specific fees, if the person has attained the age of 65 and qualifies as a legal resident of North Carolina and as a resident for tuition purposes in accordance with definitions of residency that may from time to time be adopted by the Board of Governors and published in the residency manual of the Board of Governors."

SECTION 3. This act becomes effective August 1, 2008, and applies to classes for any academic semester beginning on or after that date.

In the General Assembly read three times and ratified this the 8th day of July, 2008.