

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 23

Short Title: Comm. College Scholarship Program.

(Public)

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Sponsors: Representatives Warner; Allen, Baddour, Gillespie, Hunter, Hurley, Jeffus, Justus, Kinney, Luebke, Morris, Redwine, Smith, Wainwright, Wood, and Wright.

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Referred to: Rules, Calendar and Operations of the House.

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February 4, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH CAROLINIANS ATTENDING COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115D of the General Statutes is amended by adding a new Article 1A to read:

**"ARTICLE 1A.**

**"THE COMMUNITY COLLEGE EDUCATION IMPROVEMENT PROGRAM.**

**"§ 115D-11.1. The Education Improvement Program.**

(a) Grants. – The State Board of Community Colleges shall develop and implement the Education Improvement Program to provide grants for tuition and mandatory fees for eligible persons who enroll in a community college and pursue an associate degree. The State Board shall make determinations of eligibility to receive grants. In no event shall a grant exceed the total cost of tuition and mandatory fees charged by a community college. The State Education Assistance Authority shall administer the funding of the grants.

(b) Eligibility. – The State Board may award Education Improvement Program grants based on availability of funds. The following are eligibility and other requirements:

- 1           (1) Applicants must:
- 2           a. Be a resident for tuition purposes under G.S. 116-143.1;
- 3           b. Be a graduate of an accredited North Carolina high school or
- 4           hold a recognized equivalent diploma or certificate received in
- 5           North Carolina;
- 6           c. Be found to be in financial need, as provided in subsection (c) of
- 7           this section.
- 8           (2) Applicants must not have been convicted of any felony or any alcohol
- 9           or controlled substance related offense, or adjudicated delinquent for
- 10           acts that would constitute a violation of those offenses if committed by
- 11           an adult.
- 12           (3) Notwithstanding subdivision (2) of subsection (b) of this section and
- 13           upon recommendation by the President of the Community College
- 14           System, the State Board may determine that an applicant is eligible to
- 15           receive a grant if the State Board determines that the applicant has been
- 16           fully rehabilitated and is otherwise eligible. Upon direction by the State
- 17           Board, the President or the President's designee may request juvenile
- 18           court records under G.S. 7B-3102 for the purpose of determining
- 19           eligibility. The President or the President's designee shall follow the
- 20           procedures in G.S. 115D-11.2 in order to protect the confidentiality of
- 21           any records received under G.S. 7B-3102.
- 22           (4) The State Board shall adopt rules specifying the criteria a student must
- 23           meet in order to continue to be eligible to receive Education
- 24           Improvement Program grants.
- 25       (c) Financial Need.
- 26           (1) All applicants for an Education Improvement Program grant must apply
- 27           for federal Title IV student financial assistance. If the applicant is
- 28           eligible for a Pell Grant of an amount less than the total amount of
- 29           community college tuition and mandatory fees, the amount of the State
- 30           grant shall be equal to the difference between the total amount of tuition
- 31           and mandatory fees and the Pell Grant amount.
- 32           (2) An applicant who is under 21 years of age and who is ineligible for a
- 33           Pell Grant shall be found to be in financial need for purposes of an
- 34           Education Improvement Program grant if:
- 35           a. The applicant's custodial parent or guardian has one dependent
- 36           child under the age of 21, and the adjusted gross income of the
- 37           family for the tax year immediately preceding the determination
- 38           of financial need is less than thirty thousand dollars (\$30,000).
- 39           b. The applicant's custodial parent or guardian has two dependent
- 40           children under the age of 21, and the annual adjusted gross
- 41           income of the family for the tax year immediately preceding the
- 42           determination of financial need is less than thirty-five thousand
- 43           dollars (\$35,000).

1           c.       The applicant's custodial parent or guardian has three or more  
2                   dependent children under the age of 21, and the annual adjusted  
3                   gross income of the family for the tax year immediately  
4                   preceding the determination of financial need is less than forty  
5                   thousand dollars (\$40,000).

6           (3)       Notwithstanding subdivision (2) of subsection (c) of this section, the  
7                   State Board may adopt rules that define special circumstances under  
8                   which an applicant who is under 21 years of age has otherwise  
9                   demonstrated financial need.

10          (4)       The State Board shall adopt rules for determining the financial need of  
11                   applicants who are over 21 years of age and are not eligible to receive a  
12                   Pell Grant.

13   **"§ 115D-11.2. Use of juvenile court information.**

14          (a)       Confidential Records. – The following shall be confidential records, are not  
15                   public records as defined under G.S. 132-1, and shall not be made a part of the applicant's  
16                   official student record:

17                  (1)       Any request for juvenile records made by the President or the  
18                          President's designee under G.S. 115D-11.1(b)(3).

19                  (2)       Any juvenile records received by the President or the President's  
20                          designee under G.S. 7B-3102.

21          (b)       Storage, Use, and Destruction of Records. – Immediately upon receipt of any  
22                   juvenile records, the President or the President's designee shall maintain these documents  
23                   in a safe, locked record storage that is separate from the applicant's other records.  
24                   Documents received under G.S. 7B-3102 shall be used only to determine whether an  
25                   applicant may be eligible to receive an Education Improvement Program grant. The  
26                   President or the President's designee shall shred, burn, or otherwise destroy all juvenile  
27                   records and all information gained from examination of juvenile records when the State  
28                   Board no longer needs the information to determine an applicant's eligibility for an  
29                   Education Improvement Program grant. In no case shall the President or the President's  
30                   designee make a copy of these documents and in no case shall the President or the  
31                   President's designee share the records with a community college."

32                  Section 2. Article 31 of Chapter 7B of the General Statutes is amended by  
33                  adding a new section to read:

34   **"§ 7B-3102. Disclosure of information to determine eligibility for Education**  
35                   **Improvement Program grants.**

36                  Notwithstanding G.S. 7B-3000, upon receipt of a written request under G.S. 115D-  
37                   11.1(b)(3), the chief juvenile court counselor shall deliver any existing juvenile court  
38                   records, as defined in G.S. 7B-3000, to the President of the North Carolina Community  
39                   College System or the President's designee. The President or the President's designee  
40                   shall handle any records received under this section in accordance with G.S. 115D-11.2.  
41                   Documents received under this provision shall be used only to determine whether an  
42                   applicant is eligible to receive a Community College Education Improvement Program  
43                   grant."

1 Section 3. Article 23 of Chapter 116 of the General Statutes is amended by  
2 adding a new section to read:

3 "**§ 116-209.26. Education Improvement Program grants.**

4 (a) In addition to all other powers and duties under this Article, the Authority shall  
5 administer the funding for the Education Improvement Program grants awarded by the  
6 State Board of Community Colleges under G.S. 115D-11.1.

7 (b) In order to accomplish the purposes of this section, the Authority may:

8 (1) In consultation with the State Board of Community Colleges, adopt  
9 rules to implement the funding of the Education Improvement Program.

10 (2) Receive from the General Fund or other sources those funds the General  
11 Assembly may authorize to cover, in addition to any other available  
12 funds, the costs of tuition and mandatory fees required to be paid to  
13 eligible students under G.S. 115D-11.1 for the coming academic year.

14 (3) Seek, accept, and expend funds from any source, including private  
15 business, industry, foundations, and other groups as well as any federal  
16 or other governmental funding available for this purpose."

17 Section 4. There is appropriated from the General Fund to the State Board of  
18 Community Colleges the sum of nineteen million six thousand nine hundred eighteen  
19 dollars (\$19,006,918) for the 2000-2001 fiscal year. These funds shall be used primarily  
20 to provide grants beginning with the 2000-2001 academic year. The State Board of  
21 Community Colleges shall allocate funds to the Education Assistance Authority  
22 according to a schedule of allocation it establishes.

23 Section 5. This act becomes effective July 1, 1999.